



**POWERS AND FUNCTIONS OF
HEADS OF STATE IN
PARLIAMENTARY AND PRESIDENTIAL DEMOCRACIES
AN ANNOTATED BIBLIOGRAPHY**

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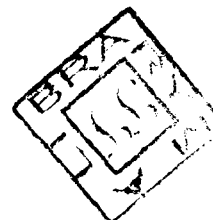
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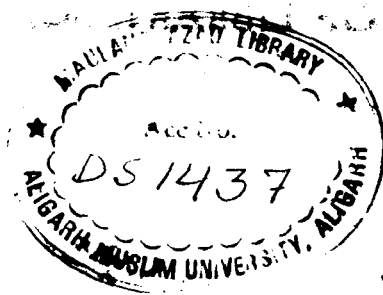


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P R E F A C E

In this dissertation, an effort has been made to bring to the fore the real nature of the powers and functions of Heads of State in Parliamentary and Presidential democracies. Usages, customs, conventions, constitutional provisions have been cited to show the extent to which they can go, constraints on their powers and the punishments to which they are liable in case they dare to misuse their powers.

These ultimately give an idea of the exact position held by the Heads of State in their respective countries.

The annotated bibliography consists of 250 abstracts arranged under appropriate subject headings, which in turn are in an alphabetical order. Classification schemes and helpful sequence guided by postulates and principles are also used to make things easily understandable.

The entries are arranged in the following way :

- a) Serial no.
- b) Name of author/s
- c) A full stop (.)
- d) Title of the article, Subtitle, if any
- e) A full stop (.)
- f) Title of periodical underlined
- g) Semi colon (;)
- h) Volume no
- i) A Comma (,)

- j) Issue no
- k) Semi colon (;)
- l) Year in figures
- m) A comma (,)
- n) month, date
- o) Semi colon (;)
- p) Pages
- q) A full stop (.)

Part three consists of author and title indexes. Both are arranged alphabetically with their respective entry numbers.

The rules of ISI have been followed in this bibliography.

I express my thanks to Mr. Sabir Husain, Reader, Department of Library Science, Aligarh for his valuable suggestions, guidance and cooperation at each step.

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(SEEMA RAZ)

PART ONE

I N T R O D U C T I O N

The Constitution of India is Parliamentary, with the President as its formal and the Council of Ministers as its real executive. Here we are concerned only with the President.

There has been a lot of discussion as to the position occupied by the President of India under the constitution. Under article 53(1) of our Constitution, the executive power of the union is vested in the President, but under article 75 there is to be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. The President has thus been made a formal or constitutional head of the executive and the real executive powers are vested in the Ministers or the Cabinet.

In the Indian Constitution, therefore, we have the same system of Parliamentary executive as in England, and the Council of Ministers consisting, as it does of the members of the legislature is, like the British Cabinet, 'a hyphen which joins, a buckle which fastens the legislative part of the state to the executive part'. The Cabinet enjoying, as it does, a majority in the legislature concentrates in itself, the virtual control of both legislative and executive functions; and as the Ministers constituting the Cabinet are presumably agreed on fundamentals and act on the principle of collective responsibility, the most important questions of policy are all formulated by them.

Although the Indian President is supposed to be only a constitutional head like the British Monarch, its not clear how much power he can actually claim and to what extent he can safely assert himself. That makes the Presidency 'a quiescent volcano' which can erupt at any time. On the occasion of political crisis, the Presidency becomes "a bastion of great strategic importance".

In an emergency, the President could even legislate depriving all the powers of states and denying them a share in the income-tax and other available sources of revenue. He could suspend the fundamental rights and could suspend also the state constitution on the ground of disobedience of central executive direction-making power to effectuate preventive detention in order to imprison his political opponents. As Commander-in-Chief, he can use the armed forces for the suppression of civil powers. By such repressive measures, he may even ensure the election of a House of the People which would support him.

But the actual working of the Presidency in India, during the last 30 years, shows that the Presidents have exercised influence but not power. The first four Presidents Dr. Rajendra Prasad, Dr. Radhakrishnan, Dr. Zakir Husain and V.V. Giri took active part in the affairs of the state. None allowed himself to be reduced to the position of a figure head.

All the Presidents have differed with their respective Prime Ministers, at one time or the other. At times these differences with their Cabinets were expressed publicly and strongly. But when the Prime Ministers insisted on a particular course of action, they were allowed to do so as they thought proper without raising legal or constitutional difficulties in their way. All the Presidents confined themselves to a constructive role. In no case a difference was made an obstacle in the way of the Prime Minister.

Dr. Prasad differed from Jawaharlal Nehru on the Hindu Code Bill and emergency in Kerala in 1959 apart from some other matters but when the Prime Minister insisted the Bill as well as the emergency were approved. Dr. Radhakrishnan expressed his sense of 'shame and humiliation' over the disaster on our north eastern frontiers and accused the government of gross mismanagement of our resources. The first non-congress Ministry was formed in Madhya Pradesh because Dr. Zakir Husain lent sympathetic ears to the opposition leaders. Mr. V.V. Giri criticized the government rather strongly in 1973. While it is creditable for the Prime Minister, not to turn sore when Presidents aired their differences in public, its much more creditable for the Presidents never to think of obstructing the government work, when Prime Ministers insisted going their way. The working of the Presidency is thus quite creditable for the healthy growth of parliamentary institutions in India.

All this controversy regarding the powers of the President was set at rest by the 42nd Amendment Act of 1976. Article 74 clause (i) had been substituted by a new clause which makes it obligatory for the President to act according to the advice of the Union Council of Ministers in all cases. Thus President no longer enjoys any real power, where he could ignore or go against the wishes of his Ministers. After the Amendment, the legal position of the President is only that of influence and not power. It may be added that this is exactly the way the various Presidents of India have actually acted during the last 30 years as a matter of convention.

The 44th Amendment Act, 1978, has made one more change in Article 74(i) namely, that the President will have the right to refer back an advice tendered by the Council of Ministers only once. This gives the President the right to send back the advice for reconsideration, once. He is still, more or less, like an English Monarch.

It may be desirable to compare the President of India with the American President. About the position of the President Dr. Ambedkar observed thus in the constituent Assembly: "In the Draft constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of this functionary reminds me of the President of the United States. But beyond identity of names there is

nothing in common between the form of government prevalent in America and the form of government proposed under the Draft constitution. The two are fundamentally different. Under the Presidential system of America, the President is the chief head of the Executive. The administration is vested in him. Under the Draft Constitution the President occupies the same position as the King under the English Constitution. He is the head of the state but not of the Executive. He represents the nation but does not rule the nation. He is the symbol of the nation. His place in the administration is that of a ceremonial device on a seal by which the nation's decisions are made known".

It must be noted that the American President is the head of a Presidential form of government and consequently is the real executive. As such all real power in the government vests in him. His ministers are his secretaries or assistants. He may not take their advice. He may even dismiss them. The result is that all powers of the government vest in him not nominally but actually. The American President is the leader of the nation. He is elected by the people directly and is responsible to the people directly. The result is that he is a very strong person.

According to Prof. Laski, "The American President symbolises the whole nation in a way that admits of no competitor

while he is in office. Alongside this, the voice of a Cabinet officer is, at best, a wisper, which may or may not be heard". Again, "A decision of the Supreme Court is regarded as adverse to his policy; a defeat in congress is blow to his prestige; the mid-term congressional elections affect his policy for good or ill. No one thinks of them in terms of their effect upon his Cabinet".

But that is not the case with the President of India. He is not elected by the people directly. His indirect election weakens his position. Moreover, the Prime Minister of India is the real figure in the Indian politics. It is he who is the leader of the nation, and the nation looks upto him for guidance. This puts the Indian President into the shade. The President of India is expected to act always on the advice of the ministers.

The President of India resembles the King of England or the President of France. The reason is not far to seek. In all the three countries, there is a parliamentary form of government and all the three persons are the nominal executive in the three countries. No wonder, they do not enjoy substantial powers.

It is pointed out that the Indian President dare not become a despot. He must act according to the advice of the

ministers. If he acts against the advice of the ministers, they are bound to resign. Since the outgoing ministers have a majority in Parliament, no other set of ministers can have a majority. The result is that the President is faced with a situation in which it is difficult to run the machinery of the State. No President will dare to create such a constitutional deadlock. He knows full well that Parliament has the power to impeach him. The ambition of any President is bound to be cooled on account of the sword of Democles always hanging over his head in the shape of impeachment.

But the critics point out that an unscrupulous President may succeed in establishing his dictatorship. He may not summon the legislature during the period of emergency. He may dismiss and appoint those who are entirely dependent on him. He cannot be impeached during the period of emergency and before the emergency is over, he can destroy completely the constitutional machinery and thereby avoid any chance of being impeached. It is pointed out that such a thing happened in Germany when Hitler established his dictatorship under the Weimar constitution. The same was done by Napoleon III in 1852.

It is not denied that the possibilities are there, but it is hoped our training in Parliamentary traditions will help us to weather all these difficulties.

LIST OF PERIODICALS

Amer Bar Assoc J	- American Bar Association Journal
Amer J Int Law	- American journal of international law
Amer J Pol Sc	- American journal of Political Science
Amer Pol Quart	- American Political quarterly
Amer Pol Sc Rev	- American political science review
Ann Amer Acad Pol Soc Sci	- Annals of the American Academy of Political and Social Science
AS	- Asian Survey
Brit J Pol Sc	- British journal of political science
Bureaucrat	- Bureaucrat
Congress and the Presidency	-
Comp Mast	- Competition Master
Daedalus	-
Dialogue	-
EPW	- Economic and Political Weekly
ET	- Economic Times
For Aff	- Foreign Affairs
For Pol	- Foreign Policy
Government and opposition	-
GPSA	-
HT	- Hindustan Times
Ill Wkly Ind	- Illustrated weekly of India
Ind Quart	- India Quarterly
Ind Ty	- India Today
IE	- Indian Express
Ind J Pol	- Indian journal of politics

Ind J Pol Sc	- Indian journal of political science
Ind J Pol Stud	- Indian journal of political studies
Ind J Pub Ad	- Indian journal of Public Administration
Ind Pol Sc Rev	- Indian political science review
IYHR	- Israel yearbook on Human Rights
Internasional Politik	-
Int Stud Quart	- International studies quarterly
Jahrbuch des öffentlichen Rechts der Gegenwart	
J Const Parl Stud	- Journal of Constitutional and Parliamentary studies
J govt Pol Stud	- Journal of government and political studies
J Pol	- Journal of politics
J Pol Stud	- Journal of political studies
J Soc Stud St govts	- Journal of the society for study of state governments
Law and Contemporary Problems	-
Law Magazine	-
Link	-
Mainstream	-
Md Dy	- Mid-Day
Midwest J Pol Sc	- Midwest Journal of political science
Mod Rev	- Modern Review
Orbis	-
Parl Aff	- Parliamentary Affairs
Patriot	-

PD	- People's Democracy
Pol Quart	- Political Quarterly
Pol Sc Quart	- Political Science Quarterly
Pol Sc Rev	- Political Science Review
Pol Stud	- Political Studies
Polity	-
Presi Stud Quart	- Presidential Studies Quarterly
Proc Acad of Pol Sc	- Proceedings of the Academy of Political Science
Pub Adm Rev	- Public Administration Review
Pub Int	- Public Interest
Pub Law	- Public Law
Pub Opin Quart	- Public Opinion Quarterly
Quart J Adm	- Quarterly journal of Administration
Rev Pol	- Review of Politics
Round Table	-
Soc Sc J	- Social Science journal
Soc Sc Quart	- Social Science Quarterly
Southern Quart	- Southern Quarterly
The Statesman	
TI	- Times of India
Univ Cincinnati Law Rev	- University of Cincinnati Law Review
Univ Detroit Law J	- University of Detroit Law journal
West Pol Quart	- Western political quarterly

Wld Aff	- World Affairs
Wld Ty	- World Today
Yale Law J	- Yale Law Journal
Yale Rev	- Yale Review

PART TWO

EXECUTIVE POWER PARLIAMENTARY INDIA

1. BAILLIER (MG). President's powers: Wrong Comparison and conclusion. TI; 1987, Apr 14; 6:3.

Reviews that Nehru in a speech had said that though President does not have any real power, his position in one of great authority and dignity. The fact is that the President is both a figurehead and figuratively, a rubber stamp. There is nothing in the Indian constitution which says that the President can over rule the advice of a Prime Minister. The constitutional battles in British history have all been between crown and parliament. Some antique powers do inhere in the crown, like its power to wage war or to order invasion of a foreign country, but without Parliament's consent, given year, by year, no standing army can be kept on foot. Without the grant of supplies, the king will have no money. Thus Parliament has an efficient check upon the king's action. The explicit written Indian constitution does not make it easy to hark back to British precedents every time a difficulty arises as conditions are seldom identical.

2. BHASIN (Prem). Twilight of the Indian Presidency. IE; 1981; 1:1.

States that the Presidency has often been ignored by the people, the Prime Ministership being the star attraction in a parliamentary democracy. But even as the incumbents have

come and gone with slow majesty and seemly dignity, the office of the President has become more and more politicised. The political undertones have always been there - from the early differences between Jawaharlal Nehru and Rajendra Prasad, to the open clash between Nehru and Radha Krishnon; from the signing of the proclamation of internal emergency by Fakhruddin Ali Ahmad in June 1975 to the dissolution of the Lok Sabha by Neelam Sanjeeva Reddy in August 1979. Constitutional amendments notwithstanding, the Indian Presidency still retains its cutting edge - the President can refuse to give his assent to any bill and refer it back to parliament; or he can send messages to parliament which may be critical of the government in power. In fact he remains in full control of all his presidential powers even if he should be caught in the thick of impeachment proceedings.

3. GEHLOT (NS). President: A Titular Head? Mod Rev; 133,6; 1973 De; 421-3.

Mentions that the framers of the constitution could not specify the actual position of the President. Practically the working of the constitution proves that he's a constitutional head. He has certain duties to perform but strictly within the four corners of the constitution. He cannot be compared with

the king of England as the constitution is supreme in India where as in England its the parliament. The constitution itself ensures that the president should not be ignored. Art 78 casts a duty on the President to play a role in our system.

4. INDERJIT. President has many powers. ET; 1982; Jy 13; 5:7.

Reveals that several controversies have been resolved and healthy conventions built in regard to the office of the President, that President could dismiss a ministry and order fresh election and that the power to hold elections could be exercised as a reserve power. Under Art 86, he can address either house of parliament or both together. Also he can send messages to either house of parliament whether with respect to a Bill or otherwise. Under Art 153 he can consult the supreme court on any question of law. President has the right to information and he's empowered to uphold the constitution and establish conventions by asking questions. All in all He's not required to be a rubber stamp by the constitution. He could be wholly constitutional and yet act impartially, objectively and independently.

5. MISRA (KP). Presidents' powers and limitations. Patriot; 1987, Apr 30; 4:3.

Discusses that it was made clear in the beginning itself that the President, under the present constitution is intended

merely to be a constitutional head. Dr. Ambedkar emphasized that the President of the Indian Union will be generally bound by the advice of his ministers and the non-acceptance of ministerial advice, would amount to violation of the constitution for which he could be impeached. Chapter I of Part V of the constitution lays down that the executive power of the Union shall be vested in the President but if it leads to a monocratic system, the constitution delimits his powers by providing that it would be exercised in accordance with the constitution. The constitution makes it obligatory for the Prime Minister to communicate to the President all decisions of the council of ministers. Thus, the President, has a significant role to play in certain situation for e.g. when the state of parties in Parliament is uncertain or when the constitution fails to function.

6. MISRA (KP). Presidents' power in India: its nature and extent. Ind J Polit Sci; 23. 2; Apr-Je 1962; 168-78.

Describes that there has been a lot of controversy regarding the Presidents' speech about his constitutional position vis-a-vis his ministers at New Delhi (29.11.1960). Constitutionally, Presidents' position is quite clear, it seems; the basic principles of government in India are cabinet-Parliamentary not Presidential Executive. This was the intention of the Founding fathers; this is the view which judicial

opinion supports; and the practice recognized in conventions of the constitution. Ministerial advice is binding on the President. He's not insignificant and can assume an important role as a unifying forces in times of crises and change. What is needed is, not an amendment to the constitution but a new understanding of its principles.

7. MORAL.AUTHORITY. Ind Ty; 1987; J1; 11.

The controversy between the President and the Prime Minister has raised the question of what precise powers and responsibilities the president has under the constitution. If the president is not meant to be a rubber stamp he's not meant to be an alternative centre of power either. In essence, the President has to be a source of moral authority, accepted and respected nationally because of his persona, and the dignity and impartiality with which he applies his mind to affairs of states, it should not be forgotten that the constitutions original design cannot be preserved if the men in higher office do not measure up to the trust placed in them.

8. MR PRESIDENT (editorial). Statesman; 1977, 27 J1; 6:2.

Reviews that when the office of the President was conceived by the constituent Assembly, it was more than a

decorative post. Its upto the president to give the government of the day wise counsel, to warn it of the pitfalls of particular policies and be the elder statesman who, while remaining in the background, can steer that government away from dangerous ventures. Besides, this President must remain above partisan politics.

9. PATNAIK (SR). Indian President: re-considered. J Polit Stud; 8,1; 1975; 70-6.

Reviews that the recent apprehensions of presidential dictatorship in an unsettled political atmosphere are completely ruled out. Such a change could be brought about either by peaceful or forceful means. Forceful changes are backed up by the military power. The Indian President, though supreme commander of armed forces would find it difficult to have the unconditional support of the army, because of the size of the country, traditions etc. For peaceful change the President is equally handicapped. Being the superfluous part of an otherwise split executive, he can never hope to rival even a weak Prime Minister without creating an impression that he is better suited to deliver the goods. For such a mass contact he has no opportunity.

10. PRESIDENT CAN act independently. TI; 1987, Mr 22; 7:1.

Discusses that the Presidents' position is analogous to that of a governor of a state who was not bound to do

everything a cabinet asked him to do. President can act without seeking the advice of the Central Cabinet by calling upon the government to provide him information on affairs of state and other relevant matters. The President, therefore, enjoyed powers and authority to send back a decision for reconsideration either to the Central Cabinet or the PM. Thus the President could use his powers by calling for all information to carry out his constitutional functions.

11. PRESIDENT'S POWERS. Statesman; 1969, Ag 11; 3:3.

States that various kinds of interpretations have been provided as regards the prerogatives of the president. In the conflict with PM Nehru, President Rajendra Prasad emphasized that the Indian President was not like a British Monarch because no limitations had been mentioned in the constitution. Had there been any, there would have been an article like 105 where the British precedent was cited as the basis of powers, privileges of Members of Parliament to govern the office of president. Since the Presidents' position is analogous to that of a British monarch, it would be constitutionally improper for the President not to seek or not to be guided by the advice of his ministers. By art 74(1) the President is required to act in all matters with the advice of his council of ministers.

Parliament was elected by the people and council of ministers were ~~from~~ parliament. Hence power was with them and not with the president.

12. RAJAMANI (AN). Powers of the President. ET; 1969; Je 15; 5:3.

Discusses that as regards the position of the Council of ministers in relation to the president, the latter cannot carry on the administration of the country without the advice of the council. This appears questionable as there is no provision in the constitution empowering the president to exercise any function in his discretion, nor is there any provision requiring him to act only in accordance with ministerial advice. In terms of Art 74, no court is entitled to invalidate any act of the president on the ground that he has not taken ministerial advice. The only sanction is his moral obligation and thus he's entitled to reject the advice of the council.

13. RANGACHARI (DV). President's role: A matter of form and substance. Statesman; 1976, 20 Oct; 4:4.

Describes that in the constituent Assembly, Dr. Ambedkar observed that like the English King, our President will not only have three rights but also the prerogative powers of appointing the prime minister and dissolving the House. Its' always been

accepted by constitutional experts that whether or not its made explicit, no President can afford to antagonize his council of ministers. Art 74 in its present form added status to the President without adding to his power. While accepting the British model for the powers of the head of the state, the only way by which constitution makers could confer prestige and dignity to the office was to refrain from proclaiming through statute that the president was a figurehead.

14. RAO (KV). Presidential address at the 29th Indian Political Science Conference; Role of the President. Ind J Pol Sc; 29, 1968; 6-7.

States that President is one who enjoys the confidence of not only the centre but also of the state governments. It's not a constitutionally valid proposition that the president is only a nominal head, he gets some powers as a result of the political realities, when at the centre no party could claim an absolute majority. He's supposed to be an impartial head of the state. Even if he is a party man, his powers are clear and limited to the prerogatives of the king of England.

15. RASHEED TALIB. Moot points, HT; 1969, 17 Ag; 1:1.

States that despite structural differences, the Indian constitution is modelled largely on the British Cabinet system of government. Indian president, is not hereditary but elected that too indirectly by an electoral college. He's capable of bearing some of the powers that derive ultimately from the sovereign will of the people. His position is half way between king's in UK and the US President's. The article of the constitution are fairly clear as regards of the president and the PM. Just as the country cannot be without a president so too the president cannot function without a Prime Minister. In fact Indian President's position is some what more flexible then the British Monarch's.

16. SAHAY (S). Close Look: The role of the President. Statesman; 1984; 6:4.

Discusses that as far as the strict constitutional position goes, where the choice of chief minister is concerned, the governor has absolute discretion and he cannot be dictated to by the centre. By the same token, should Mrs. Gandhi decide to hold elections after January - the President, will be within his rights not necessarily to allow her to form a caretaker government, but to opt for some others MP. It's admitted that the President is bound by the advice of his council of ministers,

but once the Lok Sabha has been automatically dissolved, accountability disappears and the president is free to assert himself. Concludes by saying that under our constitution, the President has ordinarily to sign on the dotted line, but does have a role to play in abnormal times.

17. SHARMA (SR). President of India. J Polit Stud; 3,1; Feb 1970;

43-

Discusses that India set up a parliamentary government under its constitution. It's no slur to say that this was an attempt to copy the working of the British parliament and put a president in place of the British monarch India has, however, departed slightly from the model, before it. The constitution set up a sovereign democratic republic. It's a Republic because an elected President is the head of the states. It's worth while trying to determine his place in the government.

18. SHARMA (BAV) and VALECHA (NM). Indian president. Polit Quart; 33,1; Jan-Mar 1962; 59-73.

Gives an account of a discussion that has been going on regarding the exact position of the President in the Indian constitution. The questions raised are whether the president is analogous to the British crown in that he is a titular head of

the Executive or that the President is endowed with enormous powers and that the only limitation upon the President is the constitution itself. The debate centres upon whether a constitutional amendment is necessary to clarify by definition the precise nature of the Presidential powers.

19. SIWACH (JR). Indian Presidency. Pol Sc Rev 11; 1972; 250-4.

States that the president is not bound by the advice of his council of ministers and that there is a vast area of powers and functions in which he may act in his discretion and may indeed exercise his individual judgement and these include such matters such as the appointment of the Prime Minister, dismissal of the council of ministers, summoning of the Parliament, vetoing of bills etc. Discusses further that even if one of the political parties has a clear majority in the House of people, it's not the council of ministers alone which can give a threat of resignation, the president may also do the same. But it does not take into account the resulting constitutional crisis which should deter the president in all circumstances to disregard or defy his council of ministers.

AMENDMENTS 42 & 44

20. JHA (Prem Shankar). President and the Prime Minister. HT; 1987, Mr 19; 9:3.

Describes that the ambiguities begin right from the

framing of the constitution. The 42nd and 44th amendments show the extent to which the position of the president had deviated from that envisaged in the constitution. It's the PM who decides the method by which the president is to be kept informed and if in exceptional cases the PM chooses not to inform the president of his action, He's not violating the spirit of the constitution. He's the one who can claim legitimately to exercise the power of the people on their behalf and not the President of India.

21. MIDHA (Tenia) and REHMAN (M). Limited options. Ind Ty; 1987, Feb; 36-7.

Describes that the powers of a President in case of a difference of opinion are confined to requesting the government to reconsider its decision. The constitution in its Articles 74 and 111 leaves no doubt in this respect. And if, there was any doubt at all during the framing of the constitution, the 42nd Amendment passed during the Emergency made it explicit by stating: "There shall be a Council of Ministers with the prime minister at the head to aid and advise the President who shall, in the exercise of his function, act in accordance with such advice". Admittedly, the President operates within a tight strait jacket, but with his oath of office, binding him to

"preserve, protect and defend the constitution", he has to follow the rules". Any move to enhance his powers in this respect would imply granting veto powers. So beyond exercising the mere nuisance value of postponement conferred on him by the constitution, there is only one alternative left for the President: To step down. A paradoxical predicament for a constitutional head who has the powers to appoint the prime minister and even dismiss governments which have lost the confidence of the House.

22. NAGPAL (RC). President and Prime Minister. IE; 1977,
15 Mr; 4:7.

States that right from the beginning there has been a controversy over the constitutional position of the prime minister and the president. The PM undoubtedly enjoys a pre-eminent position in the Council of ministers. Ministers are appointed on his advice Art 75(1). If any minister disagrees he must resign or face dismissal, entire council is dissolved with this resignation and he's the one who communicates to the president, decision of the council. At the same time being the head he cannot be taken for the whole body and President has all the power to refuse to act on his lowe advice even after 42nd amendment. There are a few areas where President can use his discretion. Since he's not responsible to anybody under the

constitution, therefore he should abide by the advice of the council which is responsible 42nd amendment can be utilized by any PM to impose his personal dictatorship.

ARTICLES 53, 74, 77(3), 78, 86

23. MUKHERJEE (AK). Constitutional powers of the President and Prime Minister. Statesman; 1969, 21 J1; 8:4.

Describes that the office of the President of India was intended by the constitution makers to be more on the British pattern than US. The Indian President does not seem to have been endowed with substantial powers of his own. He can act only on the advice of the Prime Minister. Art. 53 vests the executive powers of the union in the President who exercises it either directly or through officers subordinate to him. The constitution and the law are binding on him. Its mandatory for the President under Art 77(3), to make rule for the govt. and for the allocation among ministers of the said business. Art 74 provides that the President is to act on the council of ministers advice which shall not be inquired into in any court. The right to advice a dissolution of the House of People is an effective instrument of political discipline in the hands of the Prime Minister. The constitution makers preferred to put a check on the prime minister by Presidential discretion.

24. MULGAOKAR (S). Preisdant and PM: As we were. IE; 1987,
Mr 31; 1:1.

Discusses that the PM has been accused by the President of misleading both houses of parliament in the matter of his constitutional duty unambiguously defined in Art 78 of the constitution. To this the PM replied that its to the parliament that he owes a duty to clarify his position. With holding of information en important state issues had been the main reason for the differences between the two dignitaries.

25. NAYAR (Kuldip). PM Zail Seek legal advice. Md Dy; 1987,
Apr 12; 1-2.

Describes that advice on the interpretations of Art 78 and 86 of the constitution was sought from the Attorney General of India and the Solicitor General, PM was of the view that he had the right to withhold certain information and that he wasn't obliged to disclose everything to the President, who on the other hand thought that it was PM's duty under Art 78 to do so. As regards Art 86, president contention was that he can send any message to parliament to which PM held that the assent of the council of ministers is necessary. However, the exact situation is that under Art 78, it's the duty of the

PM to communicate all decisions of the council of ministers to the President and to furnish such information as the president may call for. Under Art 86, the president has the right to address either House of Parliament or both houses together and may send messages and the concerned house shall consider any matter required by the message to be taken into consideration.

BILLS

26. DAHIYA (MS). Presidents power to assent in the bills in India.

Mod Rev; 130, 20; Feb, 1972; 122-33.

States that the power to assent to the Bills, which is given generally to the constitutional Head in a democratic set up, has become a matter of utmost, importance in the Indian political system. The problem is bound to arise because the language of the constitution gives a large amount of discretion to the President to be used in this connection.

CABINET OFFICERS

27. BHASIN (Lalit). PM can withhold information. HT; 1987, My 23.

States that our constitution has been drafted on the basis of parliamentary form of democracy which itself signifies that parliament is supreme. Both the President and the PM are accountable to parliament and through parliament to the people. Notwithstanding the provisions of the Art 78, its open to the

PM and his council to withhold any information concerning the administration of the affairs of the country from the president, if the paramount interests of the states so require. The president cannot claim any right superior to that of parliament or the judiciary. The right of the president to seek information from the PM has to be qualified right and not an unfettered one. After the 42nd and 44th amendment, it was made clear that the advice of the council shall be binding on the president.

COMPARISON UK

28. CHAWLA (Prabhu). Asserting supremacy. Ind Ty; Feb 1987; 34-5.

Mentions that presidents and Prime Ministers have crossed swords with each other in the past too. But none of these was as serious as the one between the first president and the first prime minister over the Hindu code Bill. Both of them were trying to establish their supremacy and Nehru even quoted British parliamentary conventions to assert his view. But the English conventions are not confined only to the manner in which the president should exercise his manners. There are a number of other conventions which are equally well established in England which limit the power of parliament itself in the exercise of its legislative functions.

29. JAIN (Girilal). President's obligations: Constitutions and conventions. TI; 1987, Apr 1; 6:3.

Describes that Indian President do not enjoy any special powers and his position is comparable to that of the British monarch. British crown does have some powers like the power to dismiss the PM despite his majority in the House of commons if the crown has enough reason to believe that the House no longer represents the sense of the electorate or even in cases of emergency arising as a result of the unfitness of the ministry. But in reality the crown has never sought to interfere in the governance of the country. India has had in Mr. Reddy a President who could stand upto a PM and put some one of his choice but has not had one who could compete with the PM for popular support. The balance of the power has been titled so heavily in favour of PMs that no president whatever his interpretation of the constitution, has been in a position effectively to challenge a PM. Democracy requires on the part of elected rulers, the deepest request for certain norms and conventions and well established constitutional arrangements.

CONSTITUTION

30. BANERJEE (DN). Indian Presidency. Link; 10,5; 1967 sep; 20-1.

States that its been 37 years since our constitution came into practice and some people still hold wrong notions

about the powers of the President. Our President is titular chief executive, whereas the Council of Ministers at the centre, with the Prime Minister at its head constitutes the real central executive. The president stands immune from criticism, challenge and from dispute. Responsibility criticism, danger of dismissal are all transferred to the Prime Minister. Its not within the constitutional competence of the President to dictate what should be the form of our government at the centre or how the government should be carried on. There is no room, in fact in our constitutional system for an active and interfering president.

31. DAS (Sitanshu). President - PM relations. HT; 1987, J1 30; 9:3.

Reveals that of the several deficiencies in India's presidency, the one concerning the president - PM working relationship demands close examination. In UK, the PM in normal times has a weekly audience with the Queen. In India PM meets the president infrequently. India's written constitution, having attempted a more precise definition of the presidential powers cannot be equated with the unwritten conventions that guide the British crown's position. The British model cannot work in India, if the president tries to establish a dyarchy. The president is not the one who receives and investigates the complaints against the PM. The constitution does not provide

for such a role of the presidency. The electorate, parliament and press are there to punish the PM for his/her blunders.

32. HEAD OF State & head of government. (editorial). Comp mast; 1987, Apr; 635.

States that under the constitution (Part V), the Prime Minister is required to keep the president in regular touch with the developments but Mr. Gandhi by disregarding relevant provisions, has not observed the constitutional norms. Although he claims that he had been briefing the president regularly but such occasions have been few and far between. The president of India is supposed to be a rubber stamp yet it would not be proper for him to put his signature on a measure which seeks to serve party rather than national interests i.e. He has to take deep interest in political happenings without actually intruding into politics.

33. KALLENBACH (JE). Presidency and the constitution: A look ahead. Law and Contemporary Problems; 35,5; 1970, 445-60.

States that revision of any part of the constitution current provisions relating to the office of president is not likely to occur in the near future, except for adoption of

some form of direct popular election plan in place of the present electoral vote-indirect popular election system. Various revisions of the present constitutions language outling the presidents powers and relationships with congress will continue to be urged from some quarters, but without success. Changes in these relationships may occur, however, through utilization by congress currently available devices and procedures calculated to give it a larger share of responsibility in policy making.

34. LAN (JN). Relations between Indian President and Prime Minister. Mod Rev; 128, 1; Jan 1971; 47-55.

States that in order to know the correct relationship between the two high offices, one has to look at the various constitutional provisions having a bearing on their relationship and to analyse various extra-constitutional factors which guide the relationship in practice. The fact is that both the president and the prime minister have their own different sources of strength. Both offices are linked in a system of checks and balance within the framework of the constitution. Each has sufficient power to check the other from abusing his power and authority. On the other hand, both have been made inter-dependent. Neither can do without the support of the other.

35. MADHU LIMAYE. Don't prorogue Parliament. HT; 1987, My 16.

Reveals that both in Britain and in India, its the ministers who really rule and the queen and the president give them advice or occasionally warn them. There cannot be President's rule at the centre. The President has only three prerogatives. (1) to appoint a Prime Minister. (2) to dismiss a PM and (3) to return a bill to parliament. In India these are derived from constitutional provisions and the last power is not absolute. Coming to (1) the president in 1984 violated the established rule by calling upon Rajiv Gandhi to form an administration as he was neither the elected leader of the majority party nor a member of the cabinet. The discretionary power (2) is also limited. As long as the PM enjoys the support of the majority in the Lok Sabha, President cannot think of dismissing him. Since under the present, conditions, Rajiv enjoys support of the majority in Parliament, it would be better if Parliament is neither adjourned nor prorogued but kept in continuing session and discussion be allowed under Art 78 and rule 184, and the question of Art 78 and defence deals be referred to a special parliamentary committee.

36. MASANI (Minoo). Roots of President - PM clash. TI; 1987, Mr 29; 1.

Discusses that the fundamental problem of the powers

and functions of the president which lies at the root of the present controversy was carefully considered by the constituent Assembly and its members decided to depart from the British ~~president~~^{pre~~s~~ident} by having a written constitution which gave the president powers in excess of what the British sovereign enjoyed under Britain's unwritten constitution. The President, thus created was half way between the British crown and the US president, not of course the head of the government as in the USA under the presidential system, but certainly not a puppet or a figurehead.

37. MATHUR (RN). Problem of revision of the Indian constitution.

Ind J Pol Sc; V 31; 1920, 368-9.

Reveals that so far as the text of the constitution is concerned, there is no mandatory provisions to compel the president to act according to the advice of the ministers and there is no provision requiring the president to act only under the counter signature of a minister. The President himself is authorized to make rules (Art 77(2)) as to how his orders and instruments are to be authenticated. He is bound to assert his powers to maintain stability of government as he has taken an oath, to protect and preserve the constitution.

38. NO CASE for privilege charge against PM. IE; 1787,
Mr 21; 1:2.

Describes that the Rajya Sabha Chairman Mr. Venkataraman did not allow any discussion on the exchange of letters between the PM and the president. In terms of the constitution, the office of the President was to enjoy a special relationship with the council of ministers headed by the PM. The constitution provided for a cabinet form of government with president as head of the state and PM as head of the government. The peoples will was embodied in parliament which expressed itself through cabinet. The cabinet transacted its business in the name of the president. Under the conventions of the constitution, President has the right to encourage, warn and advice the council and in order to prevent his office from getting discredited at times, it was essential that the confidentiality of communication between the PM and the President was maintained.

39. NO CONVENTION flouted: PM IE; 1987, Mr 3; 1:1.

Describes that the Prime Minister did not agree with the charge that the government violated established convention by not taking the president into confidence on issues of national importance. Mr. Gandhi maintained that his government had not violated Art 74 and that his ministers had been meeting

the President constantly and consulting him on national issues. There was not a time when such issues were kept away from the President.

40. NOORANI (AG). President, PM and Parliament. IE; 1987, Mr 25.

States that one way of enforcing the rules of parliamentary government, as suggested by Dr. Ambedkar, was to leave the matter to the legislature itself and to see whether by a censure motion or a motion of non-confidence, it cannot compel the ministry to give proper advice to the president and impeachment to see that the president follows the advice. Instrument of instructions for the guidance of the president was later dropped and the provisions of the constitution were adopted on the understanding that the conventions would be followed. Its not open to the president or the PM to ignore them only because instrument was deleted. Its the duty of the parliament to see that the conventions of the system are followed. For the duties of PM as respects furnishing of informations to the President, Art 78 is to be considered and not conventions, In fact this is the situation facing us today. The PM twice claimed that there has never been any failure to keep the President informed on matters of national interest. But the Presidents' letter reveals as prima facie case of violation of Art 78, contradicting the claim.

41. NOORANI (AG). Presidents' right to know. IE; 1987, Apr 24; 12:3.

States that while much of the relationship between the President and the Prime Minister is governed by the convention of the parliamentary system, some of these have been written into the text of the constitutions. Art 78 which lays down specific duties in respect of a specified individual. Its perfectly consistent with Art 78 to say that the President acts on the PMs advice but He's entitled to full information. Dr. Ambedkar held the view that the President enjoys some prerogatives of his own as distinct from his functions. The Prime Minister is the real executive head and what he initially sends to the President is for him to decide but once the President asks for information under Art 78(b) the rule precludes refusal to supply when asked for.

42. PRASAD (Anirudh). Study of the principle of "aid and advice" in Indian constitutional perspective. J Const Parl Stud; 10,3; 1976, 272-95.

Reviews that the Indian constitution adopted a compromise version of the "aid and advice" principle (of the government to the president), between the compulsory nature of the principle and the non-compulsory nature of it. Thus, the Indian principle

neither the carbon copy of the British parliamentary system nor the American Presidential system. Its a peculiar mixture of both systems and employs a suigeneris principle of "aid and advice". India needs its own principle, in conformity to its own special requirements.

43. PRESIDENT AND the Prime Minister. (editorial). Ftle;
1987, My 16; 9.

Reveals that the Presidents' letter did not approve of the PMs statement that he had been keeping him (President) informed of the affairs of state. Art 78(b) enjoins on the Prime Minister to furnish such information relating to the administration of the affairs of the union as desired by the President. But the governments stand is that the President is bound on all matters by the advice of the council of ministers and he can seek from the PM only that type of information, the council advises him to seek. Had this been so, the President would have been reduced to a rubber stamp. Although right to be informed is necessary for the caution that can be provided to the government, yet this right is not unlimited. He cannot use this right to enlarge his constitutional role and to run a parallel administration.

44. PRESIDENT NOT convinced. Statesman. 1987, 8 My; 1:5.

Mentions that the President Zail Singh originally communicated to Mr. Gandhi that under Art 78 of the constitution he should be kept informed by the latter of all state matters and that the Prime Minister had not been doing so right from the beginning. Prime Minister, on the other hand, contended that the President is not entitled to any more information on state matters than the government thinks it fit to disclose to him and that the government has already fulfilled the constitutional obligation under Art 78 regarding the information to be given to the president. Thus, there is a renewed confrontation between the president and the prime minister that presages a crisis in the Indian political system of unprecedented magnitude.

45. POWERS OF President under constitutions. HT; 1960, Nv 29; 1:4.

Reveals that while delivering a speech on the occasion of laying a foundation stone, Dr. Rajendra Prasad raised the question of the powers and functions of the President. The Indian constitution is based largely on the model of the British constitution with some obvious differences. British constitution

is a unitary constitution whereas India has a federal constitution. The head of state in Britain is a monarch, in India. He is an elected President who holds office for a term and can be removed for misconduct. The executive power of the union is vested in the president. There are in the articles of the constitution many provisions which lay down specific duties and function of the President but there is no provision which clearly indicates that the president shall be bound to act in accordance with the advice of the council of ministers.

46. RAY (A). Coalition politics and constitutional heads in India. J Const Parl Stud; 5,2; Apr-Se; 1971, 238-44.

Reveals that the principal role of the constitutional heads of India is to act as communicator and balancer in the working governmental structure. A necessary condition of their effective role performance is that the style of their decision making should reflect an adequate awareness of the principle of constitutional propriety. The President of India has always allowed himself to be dictated by the advice of council of ministers. Their effect has been the negation or abridgement of the agreement evolved by the constituted Assembly on the role of constitutional heads in India.

47. SHOURIE (Arun). Yet another way. IE; 1987, Mr 31; 1:1.

States that Art 86(2) vests in the President the right to send messages to either houses of the parliament. The article does not lay down that the president can send his message only with the concurrence of the council of ministers. Under our constitution, the president is not only the fount of the executive. He's also an integral part of the parliament and no part of Parliament is bound to obey the advice of the council of ministers. The essence of the parliamentary government is that all the ministers are accountable to parliament and not the other way round.

48. SORABJEE (Soli J). Sage Counsellor, a friend. TI; 1987, My 17; 1.

Mentions that the President is not constitutionally ^Pequipped to remove the government that enjoys the confidence of the House, neither can he do so thinking that the government can no more represent the wishes of the electorate because in a large number of cases he would not be in a position to arrive at such decision with conviction. Any misjudgement on his part would be bad not only for himself but for the presidency as well as this might lead the people to think of Presidency as having become a game in the hands of contending political

factions. In fact he cannot dismiss a duly elected government on the ground of incapability, unfitness or even corruption as he does not possess any disciplinary jurisdiction.

49. SORABJEE (Soli J). Heresies about the constitution. TI; 1987, My 6; 6:7.

Reviews the fact that the Indian president is only a constitutional head and the real executive powers are vested in the council of ministers, cannot be disputed. But that does not make the President a mere rubber stamp. Under Art 74 president is not permitted to go against the ministerial advice but this not an absolute principle of universal application. Its just a general rule which can be displaced by the compulsions of exceptional situations. The President can neither be forced to resign, nor removed by having recourse to Art 70. Finally, the successful working of constitution depends only on the mutual trust between the head of state and the head of the government.

50. SURI (Surinder). Presidential Prime Minister: New trend in Indian politics. TI; 1985, 8.

Describes that in following the Westminster model, the Indian constitution separated the practical political responsibilities of the head of government from the symbolic and

ceremonial functions of the head of state. This delinking is important for several reasons. Any government must take unpopular decisions or commit mistakes; these may turn a substantial section of the citizens against it. But opposition to the government is to be distinguished from loyalty to the state. Performance of ceremonial functions implies that the person concerned is above politics and controversies; this cannot be the case with a political leader in a democratic society. If the holder of a symbolic office ~~en~~^{ex}acts the rites, its a different matter, for they do not possess political power. But for these who wield power ceremonies may even be concocted in the expectation of drawing material advantages. At the constitutional level, the distinction between the office of Prime Minister and the President has tended to become somewhat blurred. While on paper India maintains the parliamentary framework, in reality, the prime minister not only functions like a president but is also not subject to the constraints of the presidential system.

51. SV Towards a Showdown. Mainstream; Mr 1987; 1-2.

Discusses that the Prime Minister had made a bland statement that at no time or on any occasion had constitutional provisions been violated and that he himself and his ministers had kept the President fully briefed on issues of national importance and maintained that the office of the President has not only faulted the PM for breaching. Well established

practices and conventions and "even constitutional provisions regarding furnishing of information to the President". The President holds a special position and the institutional relationship between the Head of State and Head of government has been well defined by the constitutions. The President's rights and prerogatives can be flouted only at the cost of departing from constitutional proprieties.

52. TEWARI (KK). First blood. Ill Wkly Ind; 1987, Mr 8; 20.

Describes that even after the final settlement of the areas of operation of the President and limitations of his powers, there has been a rift between the Prime Minister and the President. The President, as is well known is a symbol of the republic and both theoretically and in practice, his office has to be kept above all conflicts. In the latest constitutional amendment, the limits of the Presidential powers have been defined and it has been made clear that the president has to accept the decisions of the government.

53. TOOL AND a rubber stamp (editorial). PD; 10,35; ~~8~~ 1974, Sep 1; 1.

Describes that the office of the President as envisaged in the constitution is different from both the President of USA

and Monarch of UK. He's neither the supreme authority in the Executive branch of the administration nor the constitutional head of the state having to do in actual administration. The President of India can play a decisive role in times of crisis. Conflicts did break out between Nehru and Prasad. Radhakrishnon too, asserted himself at the time of crisis arising out of the Sino-Indian conflict. The further deepening of the economic and political crisis in a country gave a new dimension to the role that can be played by the President if he has differences with the PM.

54. MEHTA (Manju). Presidents' or puppets. EPW 9,29; 20 J1 1974.

Reviews that the position of the president as described by the constituent assembly was - "President in consultation with the cabinet". Dr. Ambedkar defined the President as "the head of the state and not of the executive". Conventions did develop but they have all tended to make the President an instrument of the Prime Minister and cabinet. The President's capacity for action is very limited and even in this limited field his influence can only be indirect - depending on his personal relationship with the Prime Minister.

CONSTITUENT ASSEMBLY

55. SORABJEE (Soli J). Can the President act on his own? IE;
1987, Apr 8; 8:7.

Discusses that initially Dr. Ambedkar's view that the Presidents' place in the administration is that of a ceremonial device on a seal was not shared by all the members. The constituent Assembly debates do indicate that the principal architects of our constitution accepted the position that the President would be a constitutional head, would have no individual powers and was obliged to act on the advice of the cabinet. The union constitution committee rejected the proposal of conferring discretionary powers on the president in some matters of national importance and decided that the president should have no special powers vested personally in him. The Drafting Committee maintained that if a bill is passed for the second time by the Houses with or without an amendment and presented to the President for assent, he shall not withhold it, with regard to the enactment of law, the will of parliament must ultimately prevail. Consequently, unless the presidents' message pertains to matters which fell within the exceptional category, he cannot act independently.

CONSTITUTIONAL HISTORY

56. BHANDARI (Hem Lal). Beleagured Institution. Law Magazine;
Ag 1987; 13-6.

States that the President of India combines in him the

constitutional characteristics of the US President and the Queen of England. Right from its inception, Indian Presidency has invoked an intense constitutional debate vis-a-vis the powers of the council of ministers. The 24th amendment reduced the president to a mere rubber stamp leaving no room for the president to exercise his independent judgement even in certain unforeseen constitutional crisis. Supreme Court in its ruling held that although the actual exercise of the functions entrusted to him by law is carried on by his appointed mentors i.e. the PM and his colleagues, the President too is vested with a pervasive role. The constitutional obligations of the PM and the President towards each other and the constitution are governed by Articles 51A(a), 60, 74, 75 and 78. Art 51A(a) casts a duty on every citizen of India to abide by the constitution and respect its ideals and institutions and if the holders of these high offices act contrary to the provisions the very sanctity of the offices gets eroded.

57. CONTROVERSIES: A common feature. Ind Ty; 1987, Feb; 38-9.

Discusses that controversies between the President and the Prime Minister have not been all that rare. Of the seven previous presidents, only Dr. Zakir Husain and Fakhruddin Ali Ahmad, left office without any public confrontation with the

prime minister. Others, however, did challenge the authority of the prime minister. Dr. Rajendra Prasad had many constitutional run-ins with Nehru and Dr. Radhakrishnan even succeeded in getting defence minister Krishna Menon sacked after India's debacle at the hands of the Chinese. President Giri often expressed his reservations over anti-labour legislation. He also registered his protest over the suppression of supreme court judges. But he never publicised his differences. Matters hardly improved when Janata Party installed Sanjiva Reddy. The two leaders could not get along and Desai prevented Mr. Reddy from going abroad on ceremonial visits. Mr. Reddy made constitutional History when he invited Charan Singh to form a government, after Mr. Desai lost his majority in Lok Sabha. Reddy's battles with the Prime Minister resumed, even when Mrs. Gandhi came into power. Once again it was the question of foreign visits. Sadly enough, for the third time, President Zail Singh had been prevented by the Prime Minister from crossing the nation's shores.

58. KATYAL (KK). To unwind the knots. Ft Le; 1987, 23-4.

Discusses that due to the unsavoury controversy over their relationship, Prime Minister Rajiv Gandhi's meeting with President Zail Singh aroused unusual interest, as their

differences initially confined to temperamental incompatibility had acquired constitutional overtones. The points made by the President in his Mr 9 letter to the Prime Minister were, "Constitutional provisions regarding furnishing information have not been consistently followed" and that he was not kept informed on important matters. A peep into the past is instructive because of the current developments. Over the Hindu code Bill, Prime Minister Nehru was of the view that President does not have the right to reconsider the principles of a bill submitted to him for assent, President Rajendra Prasad, on the other hand, held that even if the bill was passed and referred to President for assent, he should be able to send it back to parliament for reconsideration, as the provisions of the constitution are very clear - An occasion can arise when the President can act independently in his own discretion. This was an important constitutional matter on which the two were involved in a serious controversy.

59. NC Signs of disquiet. Mainstream; My 1987; 1-2.

Describes that the President has been continuously ignored by the PM who never cared to extend to the President the courtesies and considerations that our Prime Minister in

the past always extended to the Head of State. There were never sharp differences in outlook and over policies between the PMs of the day and the Presidents whether it was Rajendra Prasad, V.V. Giri or anyone else, but no PM let the President feel that he was being humiliated. The PM has been accused for not meeting the President for months together and for not keeping him posted with the thinking of the government. There is a certain amount of ambiguity in Art 78 which relates to the duties of the PM with regard to the furnishing of information to the President.

CONSTITUTIONAL LAW

60. BHATT (Girish). Vital role of customs and conventions.

ET; 1970, Se 11; 7:3.

Describes that usages, conventions, customs play a vital role in any system of government. Those who argue that President in India cannot be expected to be guided by the law of convention seems to be unaware of the democratic experiment in the conduct of human affairs that are taking place elsewhere in the world. Art 74 does not make it obligatory upon the President to accept the advice of the council. But art 75(3) states that council of ministers shall be collectively responsible to House of People thereby making it imperative

for the President, to accept the advice. A joint construction of Art 74(1) and 75(3) makes it obligatory for the President to accept the advice of the council. So long as a Prime Minister has a requisite majority, any attempt by a president to rule the country will result into a constitutional deadlock.

61. BHATTACHARJEA (Ajit). New role for successor. HT; 1969,
6 Mr 7:4.

Describes that first three Presidents reinforced the impression that, "He has been a symbol, not a reality". Although Dr. Prasad differed with the government on occasions but he did not make an issue of it. Regarding his role at a time of political uncertainties, the constitution is vague and experts disagree on the extent of his personal discretion. A Prime Minister may refuse to resign even after losing the support of his party or after his ministry loses parliamentary majority. President, who has the duty to preserve, protect and defend the constitution can not but have a role to play in such circumstances. He must make legitimate use of his positions and authority to protect the constitution against those who could subvert it for personal gains.

62. CHATTERJEE (Dilip K). Presidents' Rule and Union State relations in India. J Const Parl Stud 14,4; 1980; 330-39.

Describes that the constitutional scheme that emerged in India in Nov 1949 was characterized by a strong inbuilt military bias. This centralism was accentuated and consolidated through constitutional practice and various extra constitutional forces and usages in the political process. One such apparent operative factor was the frequent and indiscriminate use of the emergency provision in Art 356 seeking to dislodge state government, mostly belonging to non congress political parties and impose Presidents rule in order to perpetuate the dominance of the congress party and central government.

CONSTITUTIONAL MONARCHY

63. BHATT (Girish). Frustrless polemics on ambiguities, ET; 1970, Se 10; 5:3.

Describes that Indian President occupies the same position as the King under the English constitution. He's head of the state but not of the executive. He represents the nation but does not rule it. His place in the administration is that of a ceremonial device on a seal by which the nations discussions are made known. Clause 53(3)b contains a latent

check upon the wayward tendencies of a President who would try to assume dictatorial powers. Art 73 reveals that even though the executive powers is with the President, it's the PM, who exercises it in actual practice. Art 70 emphasizes the formal nature of his office. If a President acts in an unconstitutional manner, the full force of art 70 will come into play.

COUNCIL OF MINISTERS

64. JAIN (HM). Right of dissolution. Mainstream; 1970,

Ja 17; 15-7.

Discusses that Article 85(2) of the Indian constitution provides that "The President may from time to time dissolve the House of the People". Art 74(1) lays down "There shall be a council of ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions". It follows thus that the President may dissolve the House of the People only with the aid and advice of the PM and not otherwise. But the words "aid and advice" do not make it obligatory for the President to abide by the advice of the Prime Minister.

65. JAIN (HM). Presidential prerogatives under the constitutions.
J Const Parl Stud; 142, 1978; 170-86.

Describes that Indian constitution requires the President to exercise his powers in accordance with the advice of the council of ministers. The president is still left with one area of discretion in the matter of the appointment and dismissal of the PM and to a limited degree, the dissolutions of the Lok Sabha. There are no formal, constitutional provisions against the abuse of these Presidential powers, and therefore all restraint rests with the president.

66. JHA (Nalini Kant). Indian President: Head of State or figurehead. Mainstream; 1987, J1 18; 29-31.

Discusses that the president can become a dictator going by some of the constitutional provisions (Art 53(1), 79, 75(1) (2) (3)). But in essence these reveal the constitutional limitations under which the president has to exercise his powers. First of all, he must exercise these powers according to the constitution; the violation of which leads to his impeachment. Next the executive powers shall be exercised by him in accordance with the advice of the council. Even before the 42nd amendment the binding nature of Prime Ministerial advice was established. In fact, after the 44th amendment

Act except in few cases it was made clear that the President, shall have no power to act at his own discretion. The actual functioning of our political system also show that the balance of power is heavily tilted towards the PM. Thus the centre of power in our constitutional structure is the cabinet headed by the PM. If the Pm is found violating the constitution he can be warned by the President but its the duty of the Parliament to see that the PM functions within the constitution.

67. MARKANDAN (KC). Office of the President of the Indian Union:

A probe into the intentions of the founding fathers.

J Const Parl Stud 3; 1969; 64-75.

States that under the scheme of constitution as well as under its written word, the President is bound by the advice tendered by the council of ministers so long as the latter enjoys the confidence of Parliament, more particularly of the lower house.

ELECTION

68. BALKRISHNA. Election of the President of India. J Const Parl Stud; 7,3; 1973; 33-50.

Describes that by giving the elected members of the council of states the right of vote at the presidential election,

the constitution makers have jeopardised the realisation of their intention to secure parity between the states on the one hand and the union on the other.

69. SRIVASTAVA (VN). President of India: election and office.
Ind J Pol Sc; 39(2); 1978; 250-69.

Reveals that a thorough review of electoral procedures and republican principles shows that Indian democracy must develop the office of the Presidency away from partisan politics and towards a symbol of national union. At the moment this process is underway and responds to the desires of India's founding fathers who were anxious to have a President as impartial and non-party oriented as possible.

EMERGENCY

70. DAS (BC). Emergency provisions in the Indian Constitution: A study in comparative analysis. Ind J Pol Sc; 38,2; 1977; 237-52.

Describes that the President makes an emergency proclamation, if he's satisfied, and parliament determines its duration. A national or financial emergency may be the whole of India or part thereof. A national emergency comes

due to war, external aggression and internal disturbance. The term president is understood as the Cabinet responsible to the Lok Sabha. Executive power is magnified during emergency. The constitution relies on the President to deliver the goods.

71. DUA (Bhagwan D). Presidential rule in India: A study oin crisis politics. AS; 19, 6; 1979; 611-26.

Describes that a systematic analysis of about 56 cases of presidential rule imposed by the federal government (under Art 356 of the constitution) to suspend or dissolve state government-in-crisis between 1950 and 1977 leads to two conclusions: (a) that in the majority of the cases presidential rule has been used for partisan reasons and that the 1977 use of this instrument by the Janata Center followed the pattern established by the Congress Center and (b) that Mrs. Gandhi used presidential rule not only for partisan reasons but also for personal reasons with a view to liquidating dissent against her autocratic rule.

72. GENOVESE (Michael A). Democratic theory and the emergency powers of the President. Presi Stud Quart; 9,3; Jun 1979; 283-89.

States that the relationship between democratic theory and the powers of the President during emergency periods is

explored. During an emergency, the democratic theorists suggest, that in an effort to handle the crisis, governments should abandon democracy and accept strong despotic rule by the executive. This makes for difficulties when attempting to control the crisis presidency and possible abuses of power. The conclusion seeks to reconcile the need for strong executive leadership in crisis periods, with attempts to make the executive more accountable to democratic procedures.

73. INDERJIT. Has the President any power? ET; 1977; My 17:8:4.

Reveals that as regards the proclamation of emergency in 1975, the President could have changed the course of history, if only he had escaped signing it at the instance of PM. This gives rise to the question - Does he have any right or has he been reduced to the position of a mere rubber stamp by the 42nd amendment? Doubts in regard to the precise powers of the President were raised initially by the first President of India. To which the then Attorney General replied that he like a constitutional monarch could exert his influence in other ways like he cannot dismiss a minister but can get rid of a ministry. However, there should not be any doubts about the functions of the President in the best interest of so young a democracy.

74. IN PARTIAL emergency (editorial). Statesman; 1971, 24 De; 8:2.

Describes that under Art 352 of the constitution, the President may issue a proclamation of Emergency if he's satisfied that there's a threat - "whether by war and external aggression or internal disturbance either to the security of India or to that of any part of the territory thereof". The constituent Assembly, while recognizing that the threat might be to a part of the country only made no explicit provision for a proclamation of emergency to extend only to a part of it. There was, thus an alternative procedure under Art 356 by which the president might assume any or all of the functions of a state if satisfied that government could not otherwise be carried on.

75. KAPUR (JL). Emergency powers of the President under the Indian constitution. Jahrbuch des öffentlichen Rechts der Gegenwart; 1976; 417-58.

The President may proclaim an emergency when the security of India is threatened by war or external aggression or internal disturbance. The proclamation remains in force for two months unless, in the meantime, approved by the two. Houses of parliament. Provision is also made for cases where the lower House has been dissolved. The satisfaction of the president cannot be questioned in any court.

76. SHANKER (V). In an Emergency. HT; 1969; 17 Ag; 1:1.

Describes that constitution has clothed the President with powers to declare emergency of different types as a safeguard against the breakdown of the constitutional machinery. But under Art 53 he cannot step outside the constitution in the exercise of his functions. Constitution does not designate him as the Head of the Republic of India. He does not have residuary powers nor is he the fountainhead of specific powers. On the other hand, the Prime Minister is not the repository of powers of governance that rest only in council of ministers. He derives his powers under the rules of business among the members of council which the President is empowered to promulgate. He's bound by the advice only as a matter of convention, though there is no provision under the constitution to do so. He's a functionary under the constitution who cannot be ignored more so when the country is assailed by political uncertainty or large scale threat to law and order.

IMPEACHMENT

77. CHATURVEDI (Madhukar Shayaman). Impeachment under Indian constitution. J Const Parl Stud 14,2; Apr 1980; 179-94.

Describes that the President can be impeached for violation of constitution which does not imply disagreement

from the party in power. The charge preferred by either house has to be investigated by the other with right of representations to the president. Impeachment proceedings enjoy immunity from process of courts. A strong president can escape impeachment by dissolving the Lok Sabha or calling in aid the defence forces if they support him as supreme commander.

78. DAHIYA (MS). Impeachment of the Indian President and its implications. Ind J Pol 6,1; Jan-Je, 1972; 77-86.

Discusses that the makers of the constitution knew, perhaps, of the possible misuse of powers by the President; therefore the parliament was given the right to impeach the president who can be impeached on one ground only-violation of the constitution. Constituent Assembly was of the view that if the President consistently refused to act upon the advice of the council of ministers he would be liable to impeachment for the violation of the constitution. Though the provisions of the constitution do not bind the President but the general philosophy of the parliamentary democracy demands that conventionally the advice of the council is obligatory on the part of the president.

79. DAS (BC). Impeachment of India's President: A study of the Procedure. J Const Parl Stud; 5,2; Apr 1971; 245-50.

Mentions that India's president like his American

counterpart can be impeached by parliament for violation of the constitution under Art 61 and 56(i) of the constitution of India. Either house can profer the charges, the other House investigates or causes investigation by a judicial commission or the Supreme Court. Passing of a resolution by a majority of not less than two thirds of the total membership of the House results in impeachment of the President. The procedure is likely to be politicalⁱⁿ character.

80. LAL (JN) and SINGH (OP). Constitutional provisions for the impeachment of the President of India. Mod Rev; 134, 9; 1974 Se; 216-21.

Describes that the President's being the highest office is provided by the constitution wide powers. Although he's not expected to misuse his powers but he might do so sometimes. Therefore, some checks have been provided in the form of impeachment against any misuse of the powers, showing thereby that he's not above law. These provisions, however, have some inherent weaknesses, which unless removed, cannot have an effective check on president.

LIMITATIONS

81. MADHU LIMAYE. Powers are limited. HT; 1987; My 15.

Reveals that recent happenings have led to an intense discussion on the relations between the president and prime

Minister. A number of interpretations and the proceedings of the constituent Assembly are being quoted to prove that the President has only limited powers. It was decided in 1947 that the president should not have special responsibilities so there was to be no clause about the exercise of any function by the president in his discretion. Under a parliamentary system the responsibility of presidential executive is both continuing as well as periodic. It was made quite clear that the president will never be able to act independently of the Ministers. India has adopted more or less the position of the British Monarch for the President and it was contended that the conventions under which in England the King acts always on the advice of his ministers will be established in India too and the president, not so much on account of the written world in the constitution, but as a result of this convention, will become a constitutional president in all matters.

ORDINANCE

82. DAHIYA (MS). President's power to promulgate ordinance in India. Mod Rev; 139, 3; Mr 1972; 215-25.

Discusses the powers of the President to promulgate ordinance, a practice inherited from the British regime, is considered by now a negative mechanism used often for the

convenience of the executive regardless of the welfare of the people. The mechanism of Art 123 of the constitution dealing with this power is analyzed and judged as a negation of parliamentary democracy, the government misusing it when its afraid of facing the legislature.

83. RAJ (Hans). Three decades of Ordinances. J Const Parl Stud; 14, 4; 1980; 391-428.

Discusses that since independence about 400 ordinances have been promulgated in India by the President. However, for over three decades, no guide lines have yet been formulated and no criteria have been fixed for justifying the promulgation of an ordinance. Moreover, its not clear where there can be any such guidelines or criteria laid down in view of knowing whether power is being misused or is likely to be misused.

PRESIDENTIAL SYSTEM

84. KASHYAP (SC). On a Presidential system for India: Some random thoughts and considerations. J Polit Stud; 1,1; Sep 1969; 58-68.

Describes its postulated that the system that the constitution of India laid down for the country is not the

parliamentary system of the British type or the presidential system of the American type. Its' a compromise between the two and a compromise which depending on the interpretation, really leans heavily towards the presidential type. What is needed is a re-interpretation of the constitution and considerations as to how to work it afresh so as to give it greater and better meaning.

85. SINGH (Mahendra Prasad). Presidential system for India.

A note on the recent rethinking. J Const Parl Stud; 14, 1; 1980; Ja-Mr; 1-6.

Discusses that the presidential system, by giving the president more centralized executive power and the pretense of a national constituency, can facilitate the emergency type authoritarian intervention in national politics. It is notable that the emergency was preceded by a strong trend of personalization and centralization of power. The parliamentary system cannot rule out such authoritarian intervention, but it will make them relatively less likely.

RAJENDRA PRASAD

86. MADHU Limaye: Rajendra Prasad's absurd pretensions. TI;

1987; Apr 30; 6:7.

Describes that the parliamentary executives in

constitutional states, have two persons holding two different offices. The actual governance is left to the council of ministers, while the head of the state is largely responsible for carrying out ceremonial functions. Although it was stated in the constituent Assembly that the advice tendered by the Cabinet would be binding on the President in the exercise of all his functions, yet Dr. Prasad was¹ quite satisfied with the interpretation and made^{an} attempt to widen the area of presidential power. He made quite a issue out of the process of presidential election wanting the involvement of legislative assemblies only and that would have meant the representation of states twice over.

RELATIONS WITH THE PM

87. VENKATACHAR (CS). Relations between the Indian President and the Prime Minister. India Quart; 27, 2; Apr-Je 1971; 103-13.

Describes that the restrictive influences exercised on the relations between the Indian President and the PM are analyzed from 1950 to 1962. On the personal level, the two widely differing but rich personalities of Rajendra Prasad and Nehru excluded the sharing of ideas between the two on the institutional level, the links between the two remained in a ill-defined state.

RIGHT TO INFORMATION

88. CHAWLA (Prabhu). Unresolved Controversy. Ind Ty; 1987;
Apr 45; 26-8.

Reveals that while disagreeing over the role of the President, Mr. Gandhi and President Zail Singh both quoted the constitution frequently in order to support their respective views. While the Prime Minister was of the view that he was not bound by the constitution to send information on all matters to the President, latter was of the opinion that the government could not deny him information on any subject if he asked for it. Art 78(A) lays down - "It shall be the duty of the Prime Minister to communicate to the President all decisions of the council of ministers relating to the administration". Art 78(B) - "It shall be the duty of the Prime Minister to furnish such information relating to the administration of the Union and proposals for legislations as the President may call for". Art 86 goes as such - "The President has the right to send messages to the two houses because without the President, the Parliament is not complete". Art 74 states that the President is to exercise his functions on the aid and advice of the Prime Minister. In spite of these specific articles, the problem between the two could not be solved.

89. JAIN (Girilal). Dangerous plea to President: Subverting Indian democracy. TI; 1987, Apr 15; 6:3.

Explains that the entire scheme of the constitution is weighted in favour of the Prime Minister vis-a-vis the President Art 78 that has figured prominently in the recent discussion of the PM's obligation to keep the President informed of his governments' decisions does not confer on the latter, the power to dismiss the former. In the context of Art 74, its been made obligatory for the President to be guided by the advice of the council of ministers headed by the PM. The President is not within his constitutional rights to disregard a PM's majority in the Lok Sabha and dismiss him. Its an altogether different matter if a PM loses his/her majority and refuses to resign. The Indian constitution does not provide for the kind of checks and balances like the US constitution. Ours is heavily weighted in favour of the executive though some restraints on its power are built into the constitutional arrangement.

90. KATYAL (KK). Widening estrangement. Ft le; 1987, My 16; 4-7.

Discusses that there have been a number of differences over Art 74 and 78 of the constitution governing the relationship between the President and the Prime Minister. The two persons in two highest offices have put forward conflicting

views on the two provisions. Mr. Gandhi was of the view that the Presidents' right to call for information is limited by the advice of the council which could decide what information should be supplied and when. But the President disagreed and maintained that his right to seek information was unfettered. In a parliamentary democracy, the real power is vested in the PM who is accountable to Lok Sabha. At the same time the makers of the constitution wanted the President in a position to influence the council using his discretion advice and suggestions and in that context he's entitled to be fully informed of the affairs of the union.

91. KRISHNA IYER (VR). President and information. Mainstream,
My 1987; 9-10.

Discusses that like the king of England, the Indian President has the right to be consulted, to encourage^e and to warn. Acting on ministerial advice does not necessarily mean immediate acceptance of the Ministry's first thoughts. The President can state all his objections to any proposed course of action and ask his ministers to reconsider the matter. Its only in the last resort that he must accept their final advice. The Presidents' power to call for information is central to his function under the constitution. The demand for information

is a feedback needed to fulfill his office as counsellor exercising a commanding influence. In spite of the vast range of functions and prerogatives, the fact cannot be ignored that in reality the Rashtrapati reigns and the cabinet rules. These functions necessitate a continually operative relationship with his Prime Minister.

92. PM SENDS reply to Presidents' letter. IE; 1987, Mr18; 1:2.

States that President Zail Singh in his letter to the PM had given several examples relating to the visits of the latter to foreign countries, matters regarding to states and reports of commissions of inquiry on which he had not been briefed. He laid stress on need for adhering to well established conventions and constitutional provisions on relations between the President and the PM. Prime Minister on the other hand, violated his stand, in his reply to the President, that the government had always consulted the President on issues of national importance.

93. POLITICAL CRISIS in the offing. Statesman; 1987, Mr 15; 1:1.

Mentions that the President in a letter to Mr. Gandhi had asked him to prove his assertions that he has been keeping the president informed of all important state matters in terms

of the constitutional provisions as well as conventions followed by all previous PMs in their relation with the President and which the PM had not been doing. PMs contention that he had been briefing the President on all important matters had been denied by the President thus leaving a wide communication gap between the two.

94. PRESIDENT - PM: War of nerves. Comp Mast; 1987, Je; 781.

Describes that each trying to assert this constitutional position, the tussle between the two continues. In a letter to Mr. Gandhi, President Zail Singh asked for various details of national events. But governments claim that he had been duly informed and that the constitutional obligations have been fulfilled, did not satisfy him. Its said that the President has been trying to widen the scope of his powers and neinter-
preted the constitution as never before.

95. PRESIDENT STUDYING PM's reply. Statesman; 1987, Mr 19; 1:2.

States that replying to the Presidents' letter, Mr. Gandhi pointed out that the government had kept him as well informed about national affairs as possible. He further said that it was not possible for any Head of Government to keep the President informed of day-to-day developments but the Head of State had

been briefed on all decisions. President was given a full report on the Punjab, Assam and Mizoram accords and constitutional obligations were fully met. Even on the day of the Union Budget the Prime Minister had reported to the President on the broad parameters of the Finance Bill. A constant exchange of information was always there through other channels like members of the council of ministers meeting and briefing the President.

96. SINGHVI (LM). Right to information. HT; 1987, My 19.

Reviews that an analysis of our constitutional system shows that the Presidents' primary function is to act in accordance with the advice of the cabinet subject to certain well established conventional exception. He may warn, counsel or caution the PM but he must adhere to a high standard of political neutrality. His right to call for information is limited and subject to exigencies of his functions in the discharge of which he's not wholly his own master. Parliamentary government is essentially a Prime Ministerial government and the office of the President is not meant to be an adversary as against the vast constitutional powers of the Prime Minister. Constitutionally no presumption of enlarged Presidential powers to impair the effective parts of our executive and legislative can be countenanced.

97. SOHONI (SV). Keeping the President informed. Patriot; 1987, Apr 10; 4:3.

States that the President of the Indian Union functions as a symbol of the dignity and integrity of the nation. Art 53 vests all the power of the union in the president. But since in practice, President exercise no authority in his personal capacity, He's provided corresponding protection under Art 361 and shall not be answerable to any court in respect of any proceeding, civil or criminal during his term of office. In a parliamentary democracy the Prime Minister has to function in a political environment whereas the President is obliged to be both a political and above the plane of political activity due to the symbolic status of the office of the President.

98. KATYAL (KK) and RAM (N). In conversation with Zail Singh. Ft le; 1987, J1 25; 22-3.

Reveals that the President expressed his conviction that the stand he made on Art 78 of the constitution, relating to the Presidents' right to information is sound and that the PM and the council of ministers have been absolutely wrong. He made it clear that the position taken by the PM and the

that the council could determine what information the President could ask for under Art 78 is constitutionally absurd. The PM had violated the constitution in not keeping him informed on the various matters on which he had a constitutional right to information including detailed documentation. And the council in taking the position it did in a resolution which was uncalled for had also violated the constitution.

99. ZAIL CHALLENGES PM's statements. IE; 1987, Mr 13; 1:5.

Reviews that in statement in Lok Sabha, the PM Mr. Gandhi asserted his view that the Art 74 which provides for consultation between the PM and the President had not been violated and he along with his ministers had been seeing the President regularly. President in his reply challenged the statement of the PM and stated that the factual position is quite different and the well established practices, besides express provisions of the constitution have not been followed.

100. ZAIL SINGH puts an end to controversy. Statesman; 1987; My 24; 7:1.

Describes that the President has finally decided to end the controversy over Art 78 under which he claims to have the unfettered rights to ask for and get the information on important state matters. The Prime Minister in his letter had

disagreed with the Presidents' view that he had unrestricted right to get information from the government. However, the President made it clear that he had no intention of pursuing the matter further and ended the controversy on a note of disagreement.

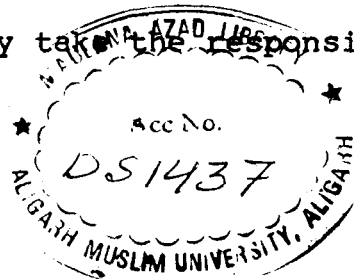
SUPREME COURT

101. CAN THE President send a message? IE; 1987, Mr 29; 9:1.

Discusses that the Article 86(2) confers on the President the right to send messages to parliaments either house and the one to which its sent shall consider any matter required by the message to be taken into consideration. Supreme court held the contention that the President cannot use his individual indiscretion, must be guided by the council and that he's govern^{ed} by the Art 74 of the constitution even in the matter of sending messages to the parliament. The president is entrusted with powers and duties covering a wide range by the constitution and if he's to use discretion in every such function, parliamentary democracy will not be able to function smoothly. Besides there will be two parallel authorities exercising powers of governance of the country as in dyarchy days.

102. SINGHVI (LM). Power rests in Cabinet. HT; 1987, My 18.

Mentions that the President is the symbol of our republic, but the precedence and the dignity of his office are largely ceremonial. The repository of actual power is the Cabinet in our system. President has no special powers vested personally in him. He can do nothing contrary to the advice of the council of ministers. Presidential refusal to accept ministerial advice would amount to violation of the constitution. The constitutional controversy on the scope of presidential powers came to be settled by the supreme court. The narrow area of Presidential discretion was enumerated as follows: the choice of PM provided he commands a majority in the House of People, dismissal of a government, having lost its majority but refusing to quit office and the dissolution of the house where an appeal to the country is necessitous although in this area the Head of State should avoid getting involved in politics and must be advised by his PM who will eventually take the responsibility for the step.



ISRAEL

103. BRACHA (Beruch). Constitutional position, the pardoning power and other powers of the President of the State of Israel. Israel Yearbook on Human Rights 9; 1979; 190-224.

Mentions that section 1 of the Basic Law; The President

of the state provides that "a President shall stand at the head of the state". The State of Israel is a parliamentary democracy. In Israel the President of the State is not the head of the Executive Branch. The President, symbolizes the states. His functions are representative, ceremonial and symbolic. However, the President has almost no real power.

UNITED KINGDOM ANALYSIS

104. BRAZIER (Rodney). Choosing a Prime Minister. Pub Law; 1982; 395-417.

Discusses that the way in which a PM may be chosen need fresh examination. Questions concerning minority or coalition governments and who should head them also have to be reconsidered. The conclusion from this analysis is that although the sovereigns role in these matters remains largely ceremonial, the political changes mentioned have produced a number of political situations in which the sovereigns personal prerogative might in the future be needed to resolve political crisis.

POLITICAL CONVENTIONS

105. ALEXANDER (A). British politics and the Royal prerogative of appointment since 1945. Parl Aff; 23, 3; 1970; 248-57.

Discusses that the introduction of the concept of the party responsibility has divested the last remaining personal prerogative of the crown of its discretionary element; the

only prerogative which now remains is the Royal prerogative of advice. Since 1945 the erosion of the discretionary powers of the crown has proceeded to the extent that the monarchy must now be regarded as a dignified part of the system. The recent development have served to strengthen the monarchy and ensure its continued existence; nothing is more likely to bring about the abolition of a constitutional monarchy than its continued involvement in party politics.

FRANCE

106. KAMINSKI (EBZ). French chief executive and foreign policy.
S Int Yr bk For Pol Stud; 3; 1975; 51-84.

Describes that the French President has been under much less constraint than the American Chief executive in regard to bureaucratic politics, parliamentary obstruction, criticism and exposure by the media and this comparison applies even more to foreign affairs than to domestic policy. Nor is the French President dependent upon the Prime Minister for policy formulation. The presidential staff makes sure that presidential wishes are respected and that the President is kept fully informed. Multiple advocacy of diverse foreign policies, so often suggested as a remedy for deficiencies in American foreign policy formulation seems incompatible with the structure of the French bureaucracy.

EXECUTIVE POWER-PRESIDENTIAL-MEDICO

107. HALL (Linda B). Mexican presidentialism from Diaz to Echeverria: An interpretive study. Soc Sci J; 17, 1; Ja 1980; 41-52.

Describes that Echeverria's major break with the tradition of Mexican presidentialism, was that, rather than operating as an arbiter between the groups that make up Mexican society, he operated as if he had unlimited power. In contrast Portillo seems to be moving back to the Mexican presidential role of arbitrating between factions rather than attempting to impose presidential solutions.

UNITED STATES

108. ABRAHAM (HJ). Presidency at the threshold of the last quarter of the century. Southern Quart; 15,3; Apr 1977; 231-44.

States that the history of the US has been characterized by a persistent and continuous contest among the three separated branches of government. The balance of power among them has been upset by a problematical fact of our governmental life: a swollen presidency of excessive duties and exercise of powers. Reflecting upon this, the basic question becomes how to properly reduce the swollen presidency. There is simply no question that the times in which we live demonstrably necessitate a strong

assertive presidency; one that is capable of meeting the omni present and ennipotent challenges of enduring crises in national and international affairs. Yet much can and must be done to harness the aberrant, sometimes criminal, exercises of power of the modern presidency if our remarkable constitutional system is to endure e.g. Senate confirmation of top presidential assistants.

109. AGBEDE (IO). Idea of an Executive President. Quart J Adm; 11, 4; Jly 1977; 227-40.

States that an idea of an Executive President as contained in the Draft constitution represents a significant departure from the previous constitutional arrangements as contained in the constitution. Specifically, it replaces a constitutional Head of State with a political leader. It confers executive power solely on an individual. In their endeavour to elevate a person to the positions of a ruler, the CDC has fashioned for the nation a President with a tight grip on the legislature and with some significant influence over the judiciary. Doubtless the Presidential system has a greater potential to produce an effective government than the Westminster model and may be more conducive to the prevailing circumstances of an emergent nation, nevertheless, the Executive President needs not be as all powerful as fashioned by the CDC.

110. AIKIN (C). Question of Executive primacy: Thoughts on American experiences. Jahrbuch des Öffentlichen Rechts der Gegenwart; 15, 1966; 1-8.

Reviews that its difficult to prove that powers exercised by political executives are necessarily superior to those of legislatures. A survey of the role of the president of the US shows that he can and will direct the exercise of massive power; its nevertheless clear that he faces limits on his exercise of power that are unknown in either Great Britain or France.

111. ANISUZZAMAN (Mohammad) and KHAN (Mohammed Mohabbat). Presidential power: A view from the president-advisors interaction process. Ind Pol Sci Rev; 12,1; Jan 1978; 88-106.

States that in the President advisor interaction process US Presidents tend to appoint as advisors men whose ideas coincide with their own, a practice which might limit discussion to policy alternatives similar with those in favour with the President. Even if the advisors think that the policies entertained are unfavourable, they will tend to suppress their true assessments out of fear for their positions. As a matter of general policy it would be well for presidents to consult people who possess expertise but differing view points.

112. ARNHART (Larry). "God-like prince": John Locke Executive prerogative and the American presidency. Presi Stud Quart; 9, 2; Spr 1979; 121-30.

Mentions that it would be unwise to deny the Presidents' claim to wide discretionary powers that are essential for the good of the country. The main concern should be rather to allow the president to exercise such powers when necessary and yet to prevent him from misusing them. This attitude is supported by Locke's view of executive prerogative; since its in the nature of things to be always in motion, prerogative allows for a flexible response to this natural flux.

113. BALFOUR (N). US Presidency in danger. Wld today; 29, 12; 1973; 505-13.

Discusses that the American system works only if the president exercises power in cooperation with the legislature and the people. R Nixon still has power, as his handling of the energy crises, shows, but his use of that power is now suspect. His original faults lay in his attempts to concentrate authority narrowly in the white House and his refusal to recognize that dissent was legitimate. Under the pressure of recent months the white House has ceased to function as it should and the US has at times seemed to be without any government at all.

114. BARBER (JD). Adult identity and presidential style: the rhetorical emphasis, Daedalus; 97, 3; 1968; 938-68.

States that the political style of a president of the United States, that is his habitual practices in rhetoric, interpersonal relations and administrative management, may be predicted from an analysis of the life stage in which he first adopted an identity as a political person, usually in late adolescence or early adulthood. This formative period may be marked by rapid success in valued achievement, a new and special relationship to group life, and a relatively rapid expansions of his field of power.

115. BARILLEAUX (Ryan J). Presidency: Levels of analysis. Presi Stud Quart; 14, 1; Wint 1984; 73-7.

Discusses that awareness of the distinctions between the idiosyncratic and governmental levels can lead to insights into how personal differences of presidents and their associates affect inter governmental relations. Sensivity to different levels of analysis can help to classify how different types of presidential scholarship all fit into the general field of presidency studies. Biographies are relevant in that they can provide in-depth studies of how individuals have shaped the presidency.

116. BERNSTEIN (Barton J). Road to watergate and beyond: The growth and abuse of executive authority since 1940. Law and contemporary Problem; 40, 2; Spr 1976; 58-86.

Mentions that the abuses of presidential power and the growth of the authority of the federal bureau of investigation are at the heart of this examination of modern American political life. The authors main purpose is to demonstrate the close collaboration between the FBI and Presidents which eventually led to the record of political abuses and illegalities during the past fifty years. The enormous influence and near autonomy of Edger Hoover at the Head of a powerful police system is plained for each of the administrations.

117. BINKLEY (WE). President as Chief legislator. A Amer Acad Polit Soc Sci; 307; Sept 1956; 92-105.

Discusses that the dynamic forces of American society have transformed the chief executive of the written constitution into the chief legislator of the unwritten constitution. There is a striking contrast between the prescriptions for the presidency in the constitution and the functioning reality of the great office in the mid 20th century. This revision of the President as chief legislator was the result of two factors. Finally the public for a verietiy of reasons expected the

president to initiate legislation. Secondly the attitudes of the Presidents themselves underwent a change. The author also discusses the various devices presidents have evolved to promote legislation.

118. BOROSAGE (Robert L). Para-legal authority and its perils. Law and Contemporary Problems; 40, 3; Jun 1976; 166-88.

Reveals that the growth of executive power in US has been rationalized by legal argument. Three primary doctrines-inherent power, congressional delegation and post hoc ratification-have been employed within the executive branch to justify executive initiative without legislative authority. Although seldom reviewed and more rarely adopted in supreme court decisions, these arguments provide the paraløgal authority upon which broad segments of the bureaucracy operate. This paper uses a recent example of this assertion - the legal justification of covert action by the CIA - to outline the logic and effect of the justification and to comment on the limits of reform in such a situation.

119. BROWN (Roger G) and WELBORN (David M). Presidents and their parties: Performance and prospects. Presi Stud Quart; 12, 3; Sum 1982; 302-16.

States that the President party relationship is

assessed in light of recent interpretations suggesting the emergence of a non-partisan, even anti-party presidency. Two dimensions of the relationship are examined in the cases of Presidents serving since 1961; performance of the party leadership role and partisanship. The analysis concludes that the stronger the affective disposition towards party, the more likely it is that the party leadership role and partisanship. The analysis concludes that the stronger the effective disposition toward party, the more likely it is that the party leadership role will be played with some vigour.

120. CEASER (James W). Rise of the rhetorical presidency.

Presi Stud Quart; 11, 2; 1981; 158-71.

Reveals that the rhetorical presidency is based on words not power. When connected in a practical way with the exercise of power, speech can be effective, but when used to generate public support its apt to fail. Far from reinforcing American principles and protecting its institutions, the rhetorical presidency leads to a neglect of principles in formulating hopes and to ignore the benefits and needs of the state institutions in favour of a fleeting sense of oneness with the leaders.

121. CRONIN (Thomas E). Presidential power revised and reappraised. West Polit Quart; 32, 4; Dec 1979; 381-95.

States that this article argues that how social scientists portray US presidential power and the presidency may promote misleading as well as helpful conceptions of presidential effectiveness. The article summarizes contemporary mainstream thinking about the power of presidents and the study of presidential leadership. Finally the article reviews the contemporary rebirth of yearning for a more assertive and effective presidency.

122. EDWARDS (GC). Presidential influence in the House: Presidential prestige as a source of presidential power. A new polit Sci R; 70, 1; Mar 1976; 1-3.

Describes that the presidential prestige or popularity has often been cited as an important source of presidential influence in congress. It's not been empirically demonstrated that such a relationship exists. The study examines a variety of relationship between presidential prestige and support in the US House of Representatives. The relationships between overall national presidential popularity on the one hand and overall domestic and foreign policy presidential support in the House as a whole and among various groups of congressmen on the other

are generally weak. Consistently strong relationship are found between presidential prestige among democratic party identifiers and presidential support among democratic congressmen. Similar relationships are found between presidential prestige among the more partisan Republican party identifiers and presidential support by Republican Congressmen.

123. EDWARDS (George C). Presidential electoral performance as a source of presidential power. Amer J Polit Sci; 22, 1; Feb 1978; 152-67.

Describes that one of the most fertile areas of research in American politics has been that focussing on the vote in presidential elections. Most studies in this area however take the presidential vote as the dependent variable. This research carries the analysis further and examines the influence of the support of that constituencies congressman for the presidents policies. Using the techniques of casual modeling and path analysis, this article test for both the direct influence of the presidential vote on presidential support and for its indirect influence through its effect on the party which win⁸ the seat in a congressional party strength. The basic finding is that presidential electoral performance does influence presidential support, particularly in democratic presidential year.

124. ENGEMAN (Thomas S). Presidential Statesmanship and the Constitution: The limits of presidential studies. Rev Pol; 44, 2; Apr 1982; 266-81.

Reviews that every US President faces decisive crises which must be solved in order to maintain respect for his administration. There is a constitution need for enterprise if the President is to meet the changing circumstances. While this enterprise can present a danger to the constitutional order, the absence of such statesmanship presents even greater dangers. The successful president combines an understanding of democratic principles with a prudent assessment of his moments possibilities.

125. FLEISHMAN (Joel L) and AUFSES (Arther H). Law and orders: The problem of presidential legislation. Law and Contemporary Problems; 40, 3; Sum 1976; 1-45.

Discusses that the constitution expects both conflict and cooperation between President and Congress. Presidential legislation enables the executive to escape conflicts and avoid cooperation. It undermines democratic norms when it enacts policy without full concurrence or accountability. A remedy lies in a return to constitutional principles. This will encourage the President to work with congress but it will not impair the ability of the President to influence congress legitimately.

126. FURNAS (H). President: A changing role? A Amer Acad Soc Sci; 380; Nov 1968; 9-15.

Reviews that the manner in which the President discharges his foreign affairs responsibility is likely to change markedly in the next few years, for the atmosphere of our national life is changing. The American mood will not be isolationist. The foreign affairs agencies might then have to coordinate themselves, for the President may have neither the time nor the inclination to contribute as he has here - to face. It will also be essential to relate foreign policy more closely to the broader national scene, for the 1970s foreign affairs will have to compete with domestic needs for resources as well as presidential attention. The President might therefore, be better served in the future by a secretary of state with broad national experience rather than by another of the foreign affairs specialists who have held the job in recent administrations. In the period since world war II, there has not evolved any generally satisfactory way of organizing the various foreign affairs agencies to meet the Presidents needs.

127. GUSTAFSON (Merlin). Our part time chief of state. Presi Stud Quart; 9, 2; Spr 1979; 163-71.

Reviews that among his many responsibilities the President of the United States serves as the nations' chief

of state. Since this duty appears to be a burden on the President a number of scholars have proposed the establishment of a separate office to take over the function. A new chief of state would perform ceremonial duties and relieve the President of this time consuming task. A study of appointment calendars of recent Presidents reveals, however, that playing the role of chief of state has not really been a burden. Furthermore, the Presidents ceremonial activities may be expanded or contracted to accommodate his work schedule. The real issue is whether the US needs a full time ceremonial head. Arguments may be made on both sides of this question, but most persuasive are on the negative side.

128. HARGROVE (EC). Presidential personality and revisionist views of the Presidency. Amer J Pol Sci; 17, 4; Nv 1973; 819-25.

Mentions that we are entering as period of revisionist writing about the US presidency. In fact it appears that revisionist thought about the presidency in political science may have something of a conservative flavour which will seek to diminish the heroic conception of the presidency.

129. HART (John). Presidential power revisited. Polit Stud; 25, 1; Mr 1977; 48-61.

Describes that the recent literature on the American Presidency is examined with particular reference to the seminal influence of R Neustadt's Presidential power. It argues that the so called revisionist theories of the post watergate era have produced a shift of emphasis rather than substance and that Neustadt's "ideal type" of presidency is still upheld by political scientists. Two other dimensions of his work, the methodological and theoretical are discussed. Its argued that these aspects have not received such critical attention as the normative features of Presidential power and that in the light of recent events both need some modifications.

130. HENRY (LL). Transferring the Presidency: Variations, Trends and Patterns. Publ Adm R; 20, 4; Aut 1960; 187-95.

In the US government, transitions to a new president and administration are periods of crisis and rapid change. Despite historical variations and institutional change, many problems and modes of behaviour are recurrent in these periods. The principal danger under modern conditions is of leadership breakdown between election and inauguration. In recent transition, recognition of the problem has stimulated efforts and

incoming regimes to bridge the gap. A change in the presidency, with attendant turnover of top level personnel, creates a crisis for the principal governmental institutions such as the political parties, congress, interest groups and foreign and international organisations. The crisis is particularly severe for the bureaucracy, which must prove its reliability and withstand patronage pressures, while adjusting to new leaders, new policies, and reorganisations.

131. HIRSCHFIELD (RS). Reality of presidential power. Parl Aff; 21, 4; Aut 1968; 375-83.

Describes that there are two basic facts about presidential power in the United States (i) it cannot be precisely defined (ii) there are many conceptions of its scope and limits. The constitution creates an office which is potentially, but not necessarily, powerful; the men who occupy it can be 'Great Presidents' or failures. In a governmental system noted for its pragmatism, the presidency is the most pragmatic institution. It is an office of prodigious powers for the man who is willing and able to take and use that power.

132. HIRSCHFIELD (Robert S). Problem of presidential power. Dialogue; 7, 3; 1974; 3-12.

Discusses that despite its current urgency the problem

of defining the scope and limits of US presidential power is not new. There are in fact very different conceptions of executive authority simply because that authority cannot be simply defined. The reality of presidential power varies and what it is at any given moment is determined by five major factors (1) the formal constitutional sources of executive authority are currently interpreted; (2) the state of the political system in which the presidency is operating (3) the personal attributes and attitudes of the incumbent president (4) the particular set of circumstances confronting the nation and (5) the popularity of the president and the degree to which he enjoys the public's trust and confidence. All of these factors change from time to time and from president, to president. And since the power of the presidency is the product of interacting among all of them, the dimensions of that power are also continually changing.

133. HOFFMAN (Kenneth E). Stabilizing the presidency. Presi Stud Quart; 2, 2; Spr 1979; 172-79.

Mentions that reasons for stabilizing the presidency are threats of and stress of war, depression, inflation etc. Proposals for this goal include; as presidential council, moving the senate into the executive branch; a two year president

elect and a single six year term for president. The two years as president elect would provide time for in depth information, personal directions of budget development. A vote of confidence every two years would increase popular control of the presidents, to support or remove, as expressed by the people.

134. HYMAN (S). Art of the Presidency. A Amer Acad Polit Soc Sci; 307; Sept 1956; 1-9.

States that the American präsidency has a dual nature, its a constitutional office and its an institution. The presidents problem is to meet the peoples' expectations, centred in the institution from within the hard forms of law centred in the office. He has three possible positional stands. As a Buchanien, he will be concerned more with form than with substance, emphasizing the legalistic aspect of the presidency as an office built to the specification of a written constitution. On the other hand, a lincolnian president would regard the presidency as a dynamic national and international institutions. Between the two is the stand of the clevendian, a mixture of the two positional stand that flank him. Within the context of an historical situations one of these stands may be suitable.

135. KELLERMAN (Barbara). Political functions of the presidential family. Presi Stud Quart; 8, 3; 1978; 303-18.

Discusses that for reasons which include the increase in the number and importance of primaries presidents families now have a major and still increasing impact on the course of US presidential politics. All the family members play political roles although the nature of these roles differs. The roles fall into two broad categories; those whose functions it is to mediate between the president and the public and those functions it is to sustain the president. In both cases relations becomes symbolically and practically an integral part of the executive machinery.

136. KENDALL (W). Two Majorities. Mid West J Polit Sc; 4, 4; Nov 1960; 317-45.

The tension between executive and legislative on federal level of the American political system has become a characteristic feature of American politics. Certain areas of public policy are readily indentifiable as associated with this tension. "Internal security", pork barrel "practices of congress", "protectionism", immigration, integration, foreign aid, government expenditure, and so on, are issues on which the executive tends to reflect what is regarded as enlightened

opinion among intellectuals, while congress is considered as the stronghold of entrenched minorities. The executive legislative tension is rooted in the existence of two majorities, the electorate being encouraged to over estimate its dedication to moral principle in one (the presidential election) and obliged to take a more realistic view of themselves in another (the congressional election). Face to this tension, the deepest issue between American conservatism and American liberalism should be reopened to discussion.

137. KOENING (Louis W). Reassessing the imperial presidency.

Proc Acad Pol Sc; 34, 2; 1981; 31-44.

States that the notion of an imperial presidency both contributes to a weakening of todays presidency and mis-states its true conditions. In fact the US congress increasingly limits the president's policy choices. While presidential leadership is being denigrated by charges that its an imperial presidency the demands on it are fast enlarging. The idea of an imperial presidency can only make the already difficult job of the president even more difficult.

138. KOENIG (LW). Man and the Institution. A Amer Acad Polit Soc Sci; 307; Sept 1956; 10-4.

Mentions that all executive posts are part institutional and part man, but the presidency, more than any other executive, enjoys special opportunities for personal self expression. Its because of this that the central problem of the presidency has emerged the problem concerns the presidencys capacity to provide continuous high level leadership. In the 20th century the crisis of depression and war have expanded and enlarged the presidents' personal role and reduced the number of traditional institutional restraints to the gain of his personal freedom of action. The major danger of the modern presidency is that personality may become a substitute for policy. Nevertheless various institutional developments of the office seem to indicate that this danger has been reduced.

139. KUIC (V). Theory and practice of the American Presidency. R Polit; 23, 3; Jly 1961; 307-22.

Discusses that the relative as well as absolute aggrandizement of the executive branch of the national government is the outstanding single fact in the political experience of the US. The Presidency today is not only stronger in relation

to congress and the supreme court, but its role in the whole life of the nation has become much larger than apparently envisaged by the founders.

140. KYNERD (T). Analysis of presidential greatness and president rating. Southern Quart; 9, 3; Apr 1971; 302-29.

Mentions that the article analyses the various works dealing with the ratings of Presidents of the United States. It studies the nature and basis of these ratings, the criteria used and their usefulness. These ratings are then treated statistically, compared through rank correlation techniques and related to party membership. A critical conclusion is drawn urging the establishment of a fairer and more objective rating techniques.

141. LEGERE (LJ). Presidential perspective. For Pol; 1972; 84-94.

Discusses that the American President who wants to concentrate much of his personal attention on domestic affairs should first accord high priority to discriminating opposition to his military policy in the power centres that count most in his government. By imposing fiscal ceilings on defence expenditures and then allowing the military professionals

substantial autonomy within those ceilings, the president may achieve something less than perfect rationality in the defense budget, but he will have neutralized a potentially dangerous source of distraction from his goal of addressing domestic concerns more vigorously.

142. LONGAKER (RR). President as international leader. Law and Contemporary Problems; 21, 4; Aut 1956; 735-52.

Describes that before the second world war, international leadership was exercised by the American president temporarily and reluctantly. Now its an indispensable function of his office. American leadership is seriously impaired by the lack of harmony at home on important international questions and its requires a presidential willingness to sacrifice immediate political advantage in the long term interests of the nation and the entire world. The historical development of this role of the president is sketched. The effect of international leadership on the presidents' other activities is also considered.

143. LYONS (GM). President and his experts. A Amer Acad Polit Soc Sci; 394; Mr 1971; 36-45.

Describes that there is a useful distinction between the president of the United States and the presidency, especially

important because of the critical role of the president in shaping the public interest. Agencies making up the institutional presidency have evolved over the years to serve the growing needs of the president. Within these agencies, moreover, social scientists, among other experts have been brought into the orbit of presidential power as expertise has become important to the planning process.

144. MANHEIM (Jaral B). Honeymoon's over: The news conference and the development of presidential style. J Polit; 41, 1; Feb 1979; 55-74.

States the during the early years of a US presidential administration there takes place a general process of in-role socialization. During this period the president becomes generally less oriented towards action but more self reliant and becomes less assertive of his own responsibility as he learns its limitations. He becomes less concerned with the future and shifts his interests from the arena of domestic policy, where symbols of conflict and division prevail, to that of foreign policy, where unifying symbols are more common.

145. MANSFIELD (HC). Reorganizing the Federal Executive branch: The limits of institutionalization. Law and Contemporary Problems; 35, 3; Sum 1970; 461-95.

States that the common supposition that the

reorganization Act of 1939, resolved previous impasses by providing a standard institutionalized process for settling executive - legislative contests over the shape of the executive branch is an exaggeration. A review of all the major efforts at across the broad reorganization since 1887. Shows a decisive shift in the shift from congress to the president. But it also shows presidents turning from public commissions and budget, budget and employing instead adhoc unpublicized task forces to formulate their recommendations. Presidents Johnson and Nixon both active in this field, have found that this method keeps more of the cards in their hands longer.

146. MORRIS (TD). Reappearing the US Presidency. Bureaucrat; 3, 3; Oct 1974; 366-75.

Reveals that the dominant theme of the book "The Presidency reappraisal" is that the president continues to be the chief executive. He can no longer be the governments administrator, given the vastness of his responsibilities. A variety of authors deal with following problems; the expanding presidency and the role of congress, the presidential condition, the presidential person and the presidents performance and accountability. The work enunciates a vision of the future and how to make future presidencies more accountable.

147. NEUSTADT (RE). Presidency at Mid Century. Law and Contemporary Problem; 21, 4; Aut 1956; 609-45.

Describes that the functioning of the presidency as a national managing agency is examined. Traditionally the president has been at the meeting point of three lines of leadership, executive, partisan and national; now a fourth, international, sphere has been added. The president now has a personal staff of several hundred, but still bear sole responsibility for important decisions, examples of which are given. His freedom of choice and action and thus his personal power are severely limited by the complexity of modern government. A great deal of his work involves persuading others to act or to desist but even his power to persuade is limited.

148. NICHOLAS (HG). Insulation of the Presidency. Govt and oppositions; 8, 2; Spr 1973; 156-76.

Discusses that from Eisenhower to Nixon the presidency has shown a progressive insulation and centralisation. At elections candidates create a personal machine and in office subordinate these party and the cabinet to the white House. The expansion of the executive office of the presidency and his personal staff has made the president more independent

of the executive departments than ever before. This personal staff is also used to control congress and to promote the presidents image.

149. NITZE (PH). Modern president as a world figure. A Amer Acad Polit Soc Sci; 307; Sept 1956; 114-23.

Reveals that the American President has two types of duties. The first type of flows directly from the constitution. Duties of the second type are not explicitly provided for by the constitution. The non-constitutional responsibility of the president which produces the greatest difficulties is that of being the leader of the Western coalition. The president bears a primary responsibility to the American electorate and a less well-defined responsibility to the larger non-voting constituency of the free world. In dealing with allies he is at the same time, the chief diplomat of the US seeking to uphold the national interest and the leader of the western coalition seeking to strengthen it against a common external threat. To a certain extent the ability of the modern president to give effective leadership at home and to the coalition depends on his fulfilling an additional function concurrently with his other responsibilities.

150. PALETZ (DL). Perspectives on the Presidency. Law and Contemporary Problems; 35, 3; 1970; 429-44.

Reveals that various perspectives found in the literature devoted to the American presidency can be characterized as follows (a) enumeration of the Presidents roles (b) identification of presidential, obligations (c) depiction of constraints on the president advice on how through statecraft best to employ presidential powers, advocacy of anti-aggrandizement of the powers of the office and portrayal of the presidency as only one among a nexus of institution controlled by a power elite. These perspectives can be compared along four dimensions; presidential responsibilities, the powers of the office, the importance of the incumbents behaviour and prescriptions for institutional changes.

151. PATTERSON (James T). Rise of presidential power before world war II. Law and Contemporary Problems; 40, 2; Spr 1976; 39-57.

Reviews that the founding fathers were ambivalent about executive power and the presidency remained relatively weak during most of the 19th century. From 1898 to 1920, however, presidential powers escalated rapidly. Among the major causes

for such growth were the need for an executive forces to mediate between labour and management, the incapacity of other branches of government to stabilize an industrializing society and again foreign affairs and war. After 1920s two new forces augmented presidential power. First the Great Depression and second the rise of a new electorate of urbanites, immigrants and blue collar workers gave Roosevelt the popular prestige necessary for the exercise of power.

152. PEAR (RH). American Presidency under Eisenhower. Polit Quart; 28, 1; Jan-Mr 1957; 5-12.

States that discussions on the American presidency can usefully be centered round such topics as the constitutional VS the leader role of president and the presidents' role as chief administrator. While president Truman asserted that under the American system the president cannot, either constitutionally or morally, delegate his powers or share his burdens with cabinet colleagues, president. Eisenhower has done precisely that the core of the Eisenhower reforms is the cabinet which he has made work hard and effectively to a definite schedule and as a team.

153. PLISCHKE (E). Presidents' right to go abroad. Orbis; 15, 3; 1971; 755-83.

States that this essay considers three main questions - the legal right of the president of the US to perform his responsibilities away from the national seat of government, his right to leave the jurisdiction of the US and perform his functions abroad and his responsibilities respecting the approval or disapproval of legislation within the constitutionally prescribed period whenever he happens to be located. The realities of presidential ability to perform his duties abroad as distinguished from his right to do so, also is considered. These issues are posed in relation to presidential involvement in international conferencing Summit visits and presidential tours abroad - as elements of diplomacy at the summit.

154. REEDY (GE). Presidency in 1976: Focal point of Political Unity? J Polit; 38, 3; Ag 1976; 228-38.

Reviews that this article argues that the presidency has two functions in the US structure political leadership and national unification. The debacle of Vietnam plus the scandal of watergate severely impaired the ability of the institution to carry out the second function. For a brief period, the

presidency itself appeared to be an endangered office due to the lack of public confidence. However, the appointment of Mr. Ford enabled the Americans once again to identify on a personal basis with the president and today the institution is operating unimpaired. The analysis is based upon comparison on recent events with long range trends in American society.

155. RUSK (D). President. For Aff; 38, 3; Apr 1960; 353-69.

States that president of the USA with the support of congress, supplies the leadership in foreign relations. He holds a unique office in a unique constitutional system. His powers are as large as the situations requires. The presidents office has been transformed in the last few decades through the involvement of the federal government in the economic and social life of the nation. Yet negotiations at the chief of government level is not easily accommodated in the American constitutional system. The president has not enough time for serious preparations for summit negotiations, his physical absence from Washington impairs the effective performance of his office. Direct Confrontation of those with final authority is counselled against. If constructive agreements are unlikely to be reached summit meetings are pointless.

156. WEINER (Sonford) and WILDAVSKY (Aaron). Prophylectic Presidency. Publ Int; 52; Sum 1978; 3-19.

Discusses that the prophylectic presidency would place a high degree of planning power in the hands of the US President and would call for a radical redistribution of power within the federal system. However, the model of social interaction implicit in this vision does not work for the varied intermediary groups that characterize the American political system. None of them is needed if cognitive calculation can provide one best choice and all stand in the way of the direct relationship between a prophylectic president and the people.

157. WILDAVSKY (A). Past and future Presidency. Publ Int; 41; 1975; 56-76.

States that separating the US presidency from the people as if presidents owed everything to them and they nothing to him makes as much sense as removing the people from the government it has instituted. That the people may reject their presidents is obvious, that the presidents might flee from their people is less so. Presidents who tried to exercise powers they did not have might than be replaced by Presidents unwilling to exercise the powers they do have. The future of the presidency will be determined not by the presidency alone but by how presidents behave in response to the environment created by the people. Presidents can retreat as well as advance.

158. WRIGHT (E). First in War, first in peace. The American presidency under challenge. Round Table; 260; Oct 1975; 389-99.

Mentions that despite appearances to the contrary Vietnam and Watergate - the American presidency is not in decline. It has happened before; in 1945 when Truman succeeded Roosevelt and in 1918 when the Senate thwarted woodrow wilson. Whatever the current mood, the American presidency is still the most powerful electoral office in the world.

159. YANKELOVICH (Daniel). Fare well to "President knows best". For Aff; 57, 3; 1979; 670-93.

Discusses that Vietnam and Watergate were pivoted events in spurring the American public to withdraw automatic support for presidential initiatives. But a continuing mood of skepticism and lack of confidence in the presidency can no longer be blamed on these fast receding historical episodes. Today public misturst of presidential leadership in foreign affairs is almost an accidental by product of a larger decline of confidence in government that has been gathering force for twenty years.

ARCHIVES

160. MENEZ (JF). Presidential papers and presidential libraries. Soc Sci (Win field); 47, 1; Wint 1972; 34-9.

Describes that a long time intriguing questions concerns the ownership of presidential papers. Which papers are private and which are public? The matter is not settled if it ever will be - although some ground rules in determining this question have developed. A related questions - also unsettled deals with the final resting place - public or private of presidential papers. Should they be deposited in one place as in the library of congress or in numerous regional presidential libraries? Lastly what part does the public interest play in the preservation of presidential papers?

ARMY

161. HALPERIN (MH). President and the military. For Aff; 50, 2; Jan 1972; 310-24.

Describes that the US Presidents dependence on the bureaucracy and his limited freedom to manoeuvre are acute in all areas, but the military posses a special problem; finding alternative sources of military advice. The political influence of the military has been substantially reduced in recent years. Presidents not been content with their relations with the military; they have used various devices to overcome the limitations on their power. Occasionally the president has

used the power of his office to accomplish his objectives despite military opposition. The president could now institute two basic changes to increase his power over the military, one involving the channels of advice the other concerning the role of civilian advisers. The new procedures do not imply a down grading of military advice but would assure that the President receives the full range of existing military opinions.

ASSESSMENT

162. MANLEY (John F). Presidential power and white House Lobbying. Polit Sci Quart; 93, 3; Sum 1978; 255-75.

Discusses that two theories of presidential power, the problematic and supremacy theories are assessed using evidence on the white House office of congressional Relations.

ASSESSMENT, KENNEDY

163. NEUSTADT (RE). Kennedy in the Presidency: A premature appraisal. Polit Sci Quart; 79, 3; Sept 1961; 321-34.

Mentions that there are many ways to look at the performance of a president of the US - one is to assess his operational effectiveness as man in office, a single individual

amidst a vast machine. Its useful to pose some questions (1) what were his purposes and did these run with or against the grain of history and were they relevant? What was his feel, his human understanding, for the nature of his power in the circumstances of his time? What was his stance under pressure in office? What was his legacy? He seems to have been committed to correct, pre-eminent concerns; to disentangle the necessary from the merely possible and then act with decrity. Legislatively he may not have used to the full his advantages of his office but the answer might be "this man could do no more". Finally, he displayed what presidents must do to minimize the risk of war through mutual miscalculations; this may well be the cardinal risk confronting his successors. If so, he made a major contribution to the presidency.

BILLS

164. WAYNE (Stephen J) and HYDE (James FC Jr). Presidential decision making on enrolled bills. Presi Stud Quart; 8, 3; Sum 1978; 284-94.

The enrolled bill process is a unique advisory mechanism characterized by its severe time constraints, objection orientation, and lack of compromise. The formal procedures of the process have remained remarkably stable since their inception. Run by career civil servants in the

old Bureau of the Budget who had access and influence at the white House, Budget's coordination and evaluation of agency and department recommendations became the cornerstone of the entire process. The growth and differentiation of the white House staff, beginning in the mid 1960s, affected the way in which enrolled bills were handled. Largely as a consequence of the expansion of the white House staff, presidential aides were able to give greater attention to the consideration of enrolled bills. While this could have reduced the office of Management and Budget's (OMB) role and lessened its influence, it did not. The president and his aides continued to seek and rely on the OMB for coordination and advice.

BUREAUCRACY

165. BROWN (DS). President and the bureaus: Time for a renewal of relationships? Publ Adm R; 26, 3; Sept 1966; 174-82.

States that the importance of the relationships between the president and the bureau has long been recognized. Its the bureaus which, in large, part carry out presidential policy directives. How, in a presidents crowded Schedule can he fit in meetings with bureau chiefs and what would a president discuss in these meetings? Although presidents will answer these questions for themselves, the author suggests that the time has arrived for a renewal of close relationships.

166. CHAI (Jal Hung). Presidential control of the foreign policy bureaucracy: The Kennedy Case. Presi Stud Quart; 8, 4; Fall 1978 391-403.

Describes that a President must control the permanent government and he himself must be checked by the bureaucracy especially if it has to serve as a counterforce to the emergence of an unpaid presidency. Although the high powered White House bureaucracy serves the president with loyalty, no President can govern the nation with the assistance on only the palace guards. The president needs counsel and assistance from experts and professionals in their permanent government.

167. KRASNER (SD). Are bureaucracies important? For Pol; 7, 1972; 1969-79.

Reveals that in the American system, the president selects department secretaries. This selection is based in large part on compatibility of view points. The information and options received by the president cannot be viewed as independent determinants of foreign policy. Presidential values, not bureaucratic politics are the major determinant of government policy.

168. MERRIAM (RE). Bureau of the Budget as Part of the Presidents' Staff. A Amer Acad Polit Soc Sci; 307; Sept 1956; 15-23.

Describes that the bureau of the budget is part of the Executive office of the President and exists to serve the president directly in the complicated process of decision making. The primary importance of the bureau lies in its role as a key element in the staff organization built around the president. The president can best fulfill his functions when he is provided with such a professional staff. The link between budgetary activities and the presidents' executive functions has saturated the budget process with co-ordinating decisions reaching the conduct of administration. In return the staff relationship between the budget Bureau and the President has made for a substantially strengthened type of executive control. Despite various criticisms the Bureau helps the president to be better prepared for the great responsibilities which he alone must bear.

169. RANDALL (Ronald). Presidential power versus bureaucratic intransigence: The influence of the Nixon administration on welfare policy. Amer Pol Sci Rev; 73, 3; Sept 1979; 795-810.

Describes that many observers routinely assert the

relative weakness of president before the bureaucracy. The research of this study, guided by a structuralist theory of organizations, provides evidence of the Nixon administrations power to change policy even over the opposition of the bureaucracy concerning the Aid to Families with Dependent children programme. The study demonstrate that the management tools available to the president and top officials, when used adroitly are more powerful then is generally presumed. That presidents can affix their indelible stamps on policy by short circuiting the legislative process and dominating the bureaucracy is more than a remote possibility.

CABINET, A CASE STUDY

170. FENNO (RF Jr). President - Cabinet relations: A Pattern and a Case Study. Amer Polit Sci R; 52, 2; Je 1758; 388-405.

States that in a pluralistic political system, characterized by the fragmented and decentralized distribution of power, the relationship between the president and his individual cabinet member may not be a hierarchical or helpful or intimate one. This is because the problems of success and survival of a cabinet officer encourage him to consolidate his own basis of support and compel him to operate with a

degree of independence from the president. A particularistic, independent pattern of behaviour has a debilitating affect upon the work of the cabinet as a group especially at the cabinet meeting. It severely limits the usefulness to the chief executive of his cabinet as an advisory or a decision making body.

COMMUNICATION

171. SEYMOUR URE (Colin). Presidential power, press secretaries and communication. Polit Stud, 28, 2; Je 1980; 253-70.

States that this article explores the relationship between an American presidents public communications and his power and illustrates it by considering his relations with his press Secretary. Communication is central to the concept of power and to the functioning of the presidency, but the relationship has attracted insufficient attention in the literature. The article argue that a Presidents control over how he is publicly understood is weak. Communication being central to power, lack of control implies a weak view of the power of the president. The ability of both president and Secretary to make the president understood is jeopardised by aspects of the secretary's personality and performance and by the nature of the presidency and the style of the incumbent.

CONGRESS

172. CHRISTENSON (Reo M). Presidential leadership of Congress: Ten commandments point the way. Presi Stud Quart; 8, 3; Sum 1978; 257-68.

Discusses that presidential legislative initiatives frequently draw upon the congressional legislative procedures. But unless a president incorporates them into his program, bills sponsored in the Houses of Congress are likely to perish there. Almost every year brings fresh evidence that congress is unable to develop an internal leadership that can give direction and discipline to a semi-anarchic legislature. Thus there's a need for a president with the vision, courage and the skill to convert congress into a constructive body. There are operational principles which can facilitate leadership of congress. Every president should heed there in his dealing with that body.

173. DAVIS (Eric L). Legislative reform and the decline of presidential influence on capital Hill. Brit J Pol Sci; 9, 4; Oct 1979; 465-79.

Describes that many of the recent changes in the US congress have made that body far less permeable to presidential influence than was the case even a few years ago. Three changes

are particularly important in this regard - the increasingly elaborate division of labour within the congress, as exemplified by the growth of the sub-committee system, the trend towards almost automatic reëlection for those House members seeking another term and more complex and less predictable coalitional alignments among the various factors which make up the political parties in the congress.

174. EDWARDS (George C III). President and congress: The inevitability of conflict. Presi Stud Quart; 8,3; Sum 1978; 245-57.

Mentions that a central issue in American politics is the conflict which always seem to exist between the president and congress. There are four basic sources of this conflict beyond personal differences and the necessity of cooperation due to shared powers. The first is the different constituencies of the president and members of congress; second is the difference between the hierarchical structure of the executive branch and the decentralized structure of congress. A third source of conflict is the difference in the information and expertise available to each branch and fourth is the different time perspectives of presidents and members of congress. These sources of conflict inevitably lead the two branches to view policies differently.

175. FRYE (Alton). Congress and President: The balance wheels of American foreign policy. Yale Rev; 69, 1; Aut 1979; 1-16.

Mentions that the first principle of a harmonious relationship between congress and the presidency is the concept of an alliance of political leadership in both branches to oversee the permanent government. Both have a common interest in that the political levels in the executive branch share with the elected members of congress the task of governing through the bureaucracy. By insisting that all executive agreements be filed with the appropriate congressional committees, congress is responding to the need for assurances that the system of checks and balances is still functioning.

176. THOMAS (Norman C). Presidential accountability since Watergate. Presi Stud Quart; 8,4; Fall 1978; 417-34.

Reveals that the American involvement in Vietnam and the Watergate affair spurred efforts by congress to curb executive power generally and to strengthen presidential accountability. The changes that congress implemented have had greater symbolic than operational significance. Most of the presidents powers have not been substantially curbed and congress lacks the capacity to provide independent institutional leadership to

counterbalance the presidency in the long run. The complex foreign, domestic and economic policy challenges that the US faces can only be met effectively through strong presidential leadership as long as present constitutional arrangements remain in effect.

177. VALE (Vivian). Obligation to spend: Presidential impoundment of congressional appropriations. Pol Stud; 25, 4; Dec 1977; 508-22.

States that a recent major controversy has arisen over the habitual impoundment of US congressional appropriations by the president through the OMB. President Nixon who made unprecedentedly frequent resort to the practice, claimed both constitutional and statutory authority as well as citing historical precedent. These claims are successively examined and almost wholly rejected. Rather impoundment appears as a device whereby president Nixon substituted his own legislative priorities for those of the congress. The latter, therefore strictly limited the practice by statute and sought as a counterpoise; to improve its own budgetary procedures. This recent reform is in turn evaluated and the balance of responsibility as between president and congress in this fiscal area is weighed.

courts: A comment on the horizontal effect of the sweeping clause. Law and Contemporary Problems; 40, 2; Spr 1976; 102-34.

Reveals that there is a reasonable basis for questioning the permissive view that the US executive has assumed in respect to incidental executive powers. This power is far more dependent upon a requirement of congressional determination than has been commonly supposed. A textual source of this dependence may rest in the relatively unexamined second half of the best known clause of the constitution. This clause assigns to congress alone the responsibility to say by law what additional authority, if any, the executive and courts are to have beyond that core of powers that are indispensable to the performance of their express duties under article 11 and 111 of the constitution.

179. ZEIDENSTEIN (Harvey G). Reassertion of congressional power: New Curbs on the president. Polit Sci Quart; 93, 3; Fall, 1978; 373-409.

States that between 1972 and 1977, the US congress created a battery of legal provisions it can use to restrict the presidents independence from congress in national emergencies, war, foreign policy. The provisions are described according to the nature of the restriction and the specific kind of presidential action affected. How might the new restriction

shape presidential congressional relations in the future? Three scenarios, in order of probability for the near future are (1) a more balanced partnership because congressional checks on the president will be more frequent and more effective; (2) a constitutional confrontation if the president challenges the constitutionality of any of the restrictions; (3) under certain conditions, a reassertion of dominant presidency in the more distant future.

CONSTITUTION

180. BARTHOLOMEW (PC). Problem of Presidential disability: A summary view. Amer Bar Assoc J; 44, 6; Je 1958; 542-3, 550.

States that the continuing concern about the presidents health raises again the uncertainty about the law applicable when a president is disabled by illness. The two main questions are: who is to determine the presidents' disability and whether the ^{vice} president succeeds to the office of the president or only temporarily to the powers and duties of the office. The constitutional and practical problems raised and several of the proposed solutions are discussed. Action in the form of a constitutional amendment, should be initiated by the congress to solve the problem without further delay.

181. FRELINGHUYSEN (P). Presidential Disability. A Amer Acad Pol Soc Sci; 307; Sept 1956; 144-55.

Describes that when faced with a case of presidential disability the question arises as to whether its the powers and duties of the presidential office or the office of presidency itself that devolves upon the Vice President. The precedent ruling a succession, due to the death of the incumbent was that after the President had died the Vice President took the oath and was recognized as President of the US, i.e. he succeeded to the office as well as its powers and duties. But of more immediate concern is the construction given to the constitution in a case not involving the Presidents' death but his disability. The precedent here was that even though a President recovered from his disability during his tenure, he could not displace the Vice President who had assumed the duties of his office. It was this theory that the powers and duties of the Presidency were indivisible with the office, which acted as a major deterrent to any action designed to clarify the question of Presidential disability when President Garfield was shot and when President wilson was stricken.

182. HEINLEIN (JC). Problem of Presidential Inability. Univ Cincinnati Law R; 25, 3; Sum 1956; 310-22.

States that the American constitution provides that if

the President is unable to discharge the powers and duties of his office they shall devolve on the Vice President. But the meaning of the provision has never been agreed. There are three main problems. Who is to determine presidential inability, whether the VP becomes full president or acts as President temporarily and how the end of the disability is to be recognized. The relevant cases of Garfield, Wilson and President Eisenhower provide no satisfactory answers. The office of VP should be strengthened and the holder encouraged to undertake his constitutional responsibility if circumstances demand the continuance of executive action without the president.

183. LACOVARA (Phillip A). Presidential power to gather intelligence: The tension between Art II and Amendment IV. Law and Contemporary Problems; 40, 3; Sum 1976; 106-31.

Reveals that the use of electronic surveillance to gather foreign intelligence involves at least two constitutional provisions. One is the responsibility of the President of the US, as commander in chief to protect the country's national security. The other is the fourth amendment which prohibits unreasonable searches and seizures. There is some question whether judges have expertise to determine whether electronic surveillance is necessary to gather foreign intelligence, but there are substantial legal and policy reasons for insisting on

judicial warrants. A warrant system will provide additional protection for the civil liberties of the targets of surveillance and of other persons who may be overheard. In addition a warrant system will insure the preparation of a written record fixing political accountability for decisions and will require decision makers to justify, in a persuasive way, the proposed course of action.

184. MARTIN (WL). Presidential electors: Let the state legislators choose them. Amer Bar Assoc J; 44,12; Dec 1958; 1182-87.

Discusses that various methods for the selection of the President and the Vice President were discussed by the constitutional convention in 1787 before it was finally agreed that each state should appoint a number of electors equal to the total of senators and representatives it sent to congress. The electors are appointed by whatever method is chosen in each state.

185. NOBLEMAN (EE). Delegation of Presidential functions; Constitutional and legal aspects. A Amer Acad Polit Soc Sci; 307; Sept 1956; 134-43.

Reviews that it is well known that presidential office carries with it tremendous burdens and of necessity nearly every president has relied upon subordinates for the performance of many of his duties and the Supreme Court has consistently

uphold Presidential delegation of certain functions and duties of specified classes of individuals. The delegation device and various institutional and staff aids have provided the President with some measure of relief. An examination of historical aspects and available precedents may provide evidence with respect to which of the Presidents' duties may be delegated and the extent to which delegation may provide relief from the crushing burdens of office. The author next proceeds to review the constitutional and legal aspects of the delegation of Presidential functions, which clarifies the categories of presidential functions which may be delegated

186. SILVA (RC). Presidential Inability. Univ Detroit Law J; 35, 2; Dec 1957; 139-73.

Discusses that the US constitution provides that the Vice President shall take over presidential duties during a presidents' inability but the precise meaning of this clause has always been in doubt and it has never been tested. The constitution must be clarified so that the real meaning of the inability provision is shown ie. that the Vice President would serve as acting president and that he would do so only until the president was able to resume his normal duties. Various proposals have been made for determining the existence of presidential inability. The best course would be for either the

president or the Vice President to declare the inability and for the president himself to declare its termination

187. SOFAER (Abraham) . . Presidency, War and Foreign Affairs: Practice under these framers. Law and Contemporary Problems; 40, 2; Spr 1976; 12-38.

States that this paper deals with one recurrent use of history in the current debate over US institutions. Again and again, those critical of recent practices have invokled the experience of the constitutions' framers. The willingness of the first presidents to abide by the constitution has been offered as an explanation for the nations progress. Hence an understanding of that first experience is crucial for evaluating present developments.

188. WILMERDING . (L Jr). Presidential Inability. Polit Sci Quart; 72, 2; Je 1957; 161-81.

Reviews that in the event of the presidents inability to discharge his duties the constitution of the US provides for the devolution of his authority upon the office of the VP. Inability is not specifically defined in the constitution but it clearly means incapacity to exercise the presidential office through any cause other than deposition, death or resignation.

The constitution permits the president to resume office upon removal of his inability. The twelfth amendment confirms the fact that though a Vice President may act as president, he does not thereby become president. The constitution covers all contingencies with regard to the presidential inability and no amendment is at present required.

CRITICISM

189. PIOUS (RM). Is presidential power poison? Polit Sci Quart; 89, 3; 1974; 627-43.

Discusses that a critical examination of recent works on the US presidential function shows that opinions are generally opposed to the idea that the considerable growth of presidential power was inevitable and desirable for the functioning of democracy.

190. SILBERMAN (Laurence H). Toward presidential control of the state Department. For Aff; 57, 4; Spr 1979; 872-93.

Reviews that its inappropriate for foreign service officers to occupy senior policy making position in the State Department. Such appointments have resulted in repeated conflicts between the presidential and the State Department and its also fundamentally inconsistent with American democratic theory. So long as the foreign service sees itself in competition with political appointees for senior positions, it'll instructively

resist presidential direction of the substance of foreign policy. In resisting the legitimacy of political appointments essential to presidential control, it inevitably rejects as well the legitimacy of political directions.

DIPLOMATS

191. WATERS (M). Special diplomatic agents of the President.

A Amer Acad Polit Soc Sci; 307; Sept 1956; 124-33.

Discusses that the location and extent of authority for the conduct of foreign affairs has been a subject of long standing debate. The author deals with one aspect of that debate, the question of the presidents power to use diplomatic agents to carry out foreign assignments without restrictions by congress. The apponents of this presidential power maintain that such appointments can be valid only if the Senate has given its consent. Supporters of this argue that the agents are not officers of the US, but the mere agents of the president, who has utmost freedom regarding his choice of and assignments to such men.

ELECTION

192. GOSSETT (WT). Electing the president. Nar Civic R; 58,6; Je 1969; 241-77.

Rèveals that the president of the American Bar

Association discusses the Associations recent efforts to reform the electoral college system of presidential election. It had defects which the founding fathers had not foreseen (1) the hazard that the winner of the popular vote will be rejected (ii) the winner take all feature runs rough shod over minorities (iii) by discriminating among voters on the basis of residence, the value of votes depends on where they are cast; (vi) the college system makes possible a situation in which the election of the president would have to be decided by the House of Representatives where it would be possible to elect a president who had been rejected by a majority of the voters (v) presidential electors can legally thwart the will of the people.

EMERGENCY

193. KLIEMAN (Aaron S). Preparing for the hour of need: The National Emergencies Act. Presi Stud Quart; 9, 1; Winter 1979; 47-65.

States that according to the national emergencies Act a US President is free to declare a state of emergency and to wield the requisite powers for a period of upto six months or until congress is able to organize and concert its opposition. This is time enough to effect basic reforms, weaken centres of opposition, neutralize congress and in other ways inflict

serious damage upon the democratic structure. Originally designed to increase the power of congress, the Act will actually have the effect of increasing the power of the president.

EXECUTORS AND ADMINISTRATORS

195. BRUFF (Harold H). Presidential power and administrative rule making. Yale Law Journal; 8, 3; Jan 1979; 451-507.

Describes that this article defines a role for the US President in overseeing administrative rule making the reflects the special nature of his office and that compliments the oversight roles of congress, the courts and the public. Separation of powers principles require limiting presidential power to maintain the balance of power among the branches of government and the avoid exceeding the institutional competence of the presidency. Within substantive statutory limits, the President should be able to direct subordinate rule making in some situations Presidential power in a particular instance should depend on such considerations as whether the nature of the rule-making programe is appropriate for presidential intervention, whether procedural steps are taken to ensure fairness and whether the other branches of government can still exercise their checks on presidential power.

195. HOBBS (EH). President and Administration - Eisenhower.

Publ Adm R; 18, 4; Aut 1958; 306-13.

Describes that a good president must be both a good administrator and a good politician. Many substantive policies of the Eisenhower regime are carry overs from preceding presidents as are many of the presidential institutional aids established by Roosevelt and Truman. In contrast to the rapid and persistent growth in the presidents personal entourage, changes in the institutional staff, specifically the executive office of the president, since Truman have been gentle mutations and not revolutionary. The hall-marks of the Eisenhower Administrations have been the pre-eminence of personal staff and the maturing of the white House into a central staff directorate.

196. NATHAN (Richard P). Administrative Presidency. Publ Int; 44; Sum 1976; 40-54.

Reveals that executive management has been the ambition of recent US Presidents who have tried unsuccessfully to see that their directives are carried out. The attempts of Nixon are examined against the background of watergate crisis, an event which ultimately deflected these efforts to impose executive control on the bureaucracy. Examples clearly demonstrate that decisions rarely achieve execution unless they are

in accord with the policy of key directors who head the various agencies. Budget reduction, personnel shifts etc are the weapons in the executives hands but these are rarely effective instruments for accomplishing the designed reforms unless at least two years are allowed for their achievement.

EXECUTIVE DEPARTMENT

197. BAILEY (SK). President and his political executives.

A Amer Acad Polit Soc Sci 307; Sept 1956; 24-36.

Mentions that the executive branch of the federal government is a many splintered thing it consists of various departments and agencies carrying out a variety of national policies. Responsibility for unity of direction resides in the president. The problem is that ultimate responsibility may be sabotaged by the fact that the president's political executives have rarely remained solely and continuously "the presidents men". Assuming various civil service reforms, the ability of the president to maximize responsible and flexible control over the bureaucracy depends ultimately upon his ability to recruit and hold an increasing number of dedicated non-career political executives.

FOREIGN POLICY

198. COWHEY (Peter F) and LAITIN (David D). Bearing the burden.

A model of presidential responsibility in foreign policy.

Int Stud Quart; 22, 2; Je 1978; 267-96.

Describes that this paper suggests a research strategy

for resolving two problems in the analysis of US foreign policy. One is the question of when and to what degree presidents can control the foreign policy apparatus. The other is the issue of what types of foreign policy leadership residents should exercise within the boundaries of their power. In short the authors seek to show what the limits are to presidential responsibility for foreign policy. After outlining an invariable obligations to exercise the oversight function, the research strategy suggests that the presidential responsibility hinges on the nature of the international environment. It distinguishes the concept of an international influence structure and an international role structure. Thus, the domestic powers and responsibilities of the president for a particular foreign policy issue depend on the influence and role structure.

199. PERLMUTTER (A). Political centre and foreign policy. Stud Compar Int Develop; 9,3; Fall 1974; 90-102.

Discusses that in the US as elsewhere the political centre has become immensely important in modern times. Its dominated by a small group whose power, due to the Great Depression, World War II and the Cold War has vastly increased in recent decades. The while House, consisting of the President and his countiers, dominates the centre. This court has emerged in the absence of a central political party or bureaucracy. The

other albeit lesser dominating institution is the senate. A consensus only exists in the center on foreign policy - security and diplomacy. The president and his court are custodians of that consensus.

GETTYSBURG SPEECH

200. ROELOFS (H Mark). Gettysburg Address: An exercise in presidential legitimation. Presi Stud Quart; 8, 3; Sum 1978; 226-36.

Reviews that legitimation is the often valid process creative of and prior to the formation and use of power. The study of legitimation in connection with the American presidency has been so neglected that an internal analysis of the Gettysburg Address, a probably paradigmatic example of presidential legitimations role playing, may yield concepts and patterns of wide utility. The essay closes with a series of questions for further research on the legitimation role of the American Presidency.

IMPEACHMENT

201. ISENBERGH (J). Scope of the power to impeach. Yale Law J; 84, 6; My 1975; 1316-37.

States that in the intense controversies of last year concerning the impeachment of President Nixon, the prevailing

view was that the US constitution limits impeachable offences to treason, bribery or other high crimes and misdemeanors. However, these impeachable offences are not defined in the constitution, that high crimes and misdemeanors are an historically well-defined category of offenses aimed specifically against the state, for which removal is mandatory upon conviction by the senate; that congress has the power to impeach and remove civil officers for a wide range of serious offences other than crimes and misdemeanors and that the senate can impose sanctions less severe than removal from office on civil officers convicted of such other offenses.

202. MC WHINNY (Edward). English and the American impeachment powers and the constitutional separation of powers.
Jahrbuch des öffentlichen Rechts der Gegenwart; 24; 1975; 577-92.

States that the separation of powers under the American constitution has never been a static thing with the relationship between the three main institutions the presidency, congress and the sup^{me}re_{me}court - jelled once and for all in some bygone age. There is little doubt that the attempted revival of the presidential impeachment power in the US against President Nixon, has weakened the institution of the presidency. The attorneys

for president Nixon contended that the US constitutional power as the impeachment extends only to indictable crimes and cannot be applied to purely political acts of the president. The shattering of the old constitutional imperative of the fixed concurrent, four year Presidential and Vice Presidential terms of office may be one of the unexpected dividends of the 25th Amendment to the constitution.

LEADERSHIP

203. CLAYTON (Ross) and LAMMERS (William). Presidential leadership reconsidered; Contemporary views of top federal officials. Presi Stud Quart; 8, 3; Sum 1979; 237-45.

A portrait of personal character traits and political skills requisite to effective presidential leadership in the US is extracted from the responses of thirty-one top level Federal Official to a questionnaire administered in May 1977. Important personal qualities of presidents identified by these respondents include: flexibility, political courage, intelligence, vision, self-confidence, comparison, sincerity, sense of humour, lack of variety and absence of extreme partisanship. Ability to relate to congress and knowledge of political realities were key interactive skills. Electoral relations were seen to be particularly affected by a president's timing in taking positions on public issues and by his ability to maintain public trust and confidence in his honesty.

204. COOPER (J) and BOMBARDIER (G). Presidential leadership and party success. J Polit; 30, 4; Nov 1968; 1012-27.

Describes that a comparison of roll call votes on key issues in the 87th and 89th congresses reveals that president Johnson enjoyed a significantly higher level of legislative success in the House of Representatives than president Kennedy. The explanation lies in the increase in the number of liberal Northern Democrats rather than in any increase in party cohesions since the latter remained at almost exactly the same level in the 89th as in the 87th congress.

205. NEUMANN (Robert G). Leadership: Franklin Roosevelt, Truman, Eisenhower and today. Presi Stud Quart; 10, 1; Wint 1980; 10-19.

Reveals that the presidency of the US is perhaps the only position in the world whose responsibilities are far greater than its power. Few constitutional and statutory prerogatives of the president can be exercised by him alone, that is without congressional cooperation. Leadership, therefore has to be exercised in the gap between the presidents constitutional and statutory powers on the one hand and his responsibilities to inspire, to manage diverse political and popular support for his policies and objectives. This has been called the mystery of the presidency in the sense that it defies

logical explanation because its infinitely varied. The president can lead public opinion but only in so far as he's not too far ahead. A president to be effective must project a broadly felt, indefinable impression that lies in change. A president must be able to lead his numerous constituencies. Roosevelt had all those criteria, Truman did well despite many setbacks and Eisenhower was greatly admired during his lifetime, then disparaged, but recently has emerged again as a strong and skillful president.

206. ODEGARD (PH). Presidential leadership and party responsibility.

A Amar Acad Polit Soc Sci; 307; Sept 1956; 66-81.

Describes that the office of the Presidency possess great powers, but if an administration is to succeed there must be good relations between the president and the congress. In contrast to the British system, the parochial tendencies in congress place a premium on diversity, on independence not only of the president but also of the party organisations of which the president is the formal leader. In these circumstances its difficult to know which party is really responsible for any given policy and unless he can pick up considerable support from the opposition party, the average president will see his policies fail stable and effective government today requires greater unity in a major parties. Its necessary to look to the President if it is to be achieved.

207. QUADRE (QL). Presidential leadership: paralysed or irresponsible? Parl Aff; 17, 1; Wint 1963-4; 65-76.

Mentions that the contradictory criticisms of the American presidency - paralysed or irresponsible are often seen as mutually exclusive; what this article proposes to show is that both positions are correct and furthermore that the conditions they reflect derive primarily from the same source. This source is the peculiarities and maladies of the American system of government with its separation of powers and checks and balances. This system has three consequences - it tends to destroy the possibility of the public assessing and pin pointing political responsibility, the president can often do no more than a recalcitrant congress will permit, policies which do eventuate often lack cohesion. In crisis congress understands (1) the need for action. its own inadequacy for action and is inclined to become a rubber stamp reluctant to impede the executive. Thus the American system tends in normal times to ineffectiveness; in time of crisis, when the built in restraints vanish no others like their place, hence irresponsibility.

208. SELIGMAN (LG). Presidential leadership: The inner circle and institutionalization. J Polit; 18, 3; Aug 1956; 410-26.

Reveals that inner circles play a role in the innovations

and new departures of the Presidential leadership. These in time have become a generally accepted institution and attempts have been made to build them up into a regular presidential staff. It would seem that congress prefers to maintain the autonomy of the extremities by limiting the president and his staff. Its doubtful if congress alone can make a presidency by staff. It takes the president's self-abnegation to do that. Hence the president who interprets his role as leading and responding to public expectations of leadership must resist any attempts to define the personnel of his staff and relations to it. Its the demise of leadership to become itself completely organized.

209. SELIGMAN (LG). Presidential office and the president as party leader. Law and Contemporary Problem.

Mentions that the presidents' role as national leader has expanded more rapidly then his function as party leader. Changes in the relative power of federal, state and local governments has influenced party organization. The present system of presidential press and public relations which has become increasingly important, was established by Roosevelt. It emphasizes the dual mandate of the president, who is both the leader of his party and "above party" as national leader.

LIMITATIONS

210. BAILEY (Harry A Jr). Administration process approach to constraining the American presidency. Presi Stud Quart; 8, 3; Sum 1978; 268-75.

Discusses that the abuses of presidential power during the Nixon era has led to a reexamination of the necessity for exceptional executive power. All of these proposals would restrict presidential power or make it more accountable. None of these proposals, however focus on a more useful reform - one from the view point of administration as process. What is proposed in an administrative process approach to the problem of presidential aggrandizement and abuse of executive branch organization domains need to be identified, the limits of their authority defined, the circumstances under which their authority becomes operative spelled out, and the processes which surround each act of authority in each of the organisations clarified.

211. BERGER (Harriet F). Appointment and confirmation to the National labour Relations Board: Democratic Constraints on Presidential Power? Presi Stud Quart; 8, 4; Fall 1978; 403-17.

States that presidential appointments to NLRB raise the questions of whether the parties are really interested in

in high Calibre, non-political appointments free from Clientele and partisan pressures and whether they are willing and able to take the steps together that will furnish the country with qualified personnel on NLRB as well as the more prominent regulatory agencies and in the other branches of the government. Recent confirmation hearings have been characterized by their perfunctory nature.

212. LEA (JF). Presidency: Auxilary and primary limits.

Southern Quart; 14, 2; Jan 1976; 133-49.

States that confronted with the question of how best to deal with the problem of the US presidency its found that campaign reform, the watergate committee recommendations and the budget and war powers legislation simply will not suffice. All these are necessary but will not alone permit sufficient limits to be placed on the potentially catastrophic concentration of powers in the presidency. A thorough cultural and political reorientation must precede any lasting redistribution of power in our society. The simultaneous decline of religious faith and politicization of life confers on politics the aura of religion, with the president as high priest. All this is magnified by apathy.

213. NEUSTADT (RE). Constraining of the president: The Presidency after watergate. Brit J Polit Sci; 4, 4; Oct 1974; 383-97.

Discusses that the modern presidency's past and prospects are bound up with the questions. What was prudence made of? What became of those ingredients etc. A generation ago the American systems formal checks and balances were strongly reinforced by an army of informal constraints on white House conduct. These were operational constraints tied to working conditions. Some were external, imposed on the white House, equally affecting president and staff. Others were internal. External constraints reflected his dependence upon men whom he could not control for work he wanted done.

214. POLSBY (Nelson W). Critical introduction. Law and Contemporary Problem; 40, 2; Spr 1976; 3-11.

Describes that the presidency of Nixon is currently the great storehouse of illustrations that students invoke in aid of arguments concerning the need to constrain the presidency. In this introductory article the author sets down the arguments for and against the limitations of presidential power. His major concern is to provide a historical background

for the discussion of presidential power and to caution against a hasty limitation of presidential authority without due attention to constitutional history.

215. SIREVAG (T). Limits of US presidential power. International Politikk; 1973; 245-60.

Describes that debating the various constitutional limitations on presidential power, the article nevertheless focuses on political limitations. Just as the presidents' real power rests with his ability to persuade and cajole along the people, so his power will be limited by popular approval or disapproval. The very strength of the congressional committee and seniority system, rather than limit presidential initiative and activism, has ironically served rather to push the president toward arbitrary actions and the usurpation of a power he can retain as long as he has popular backing.

LYNDON JOHNSON

216. HOROWITZ (IL). Lyndon Baines Johnson and the rise of presidential militarism. Soc Sci Quart; 53, 2; Sept 1972; 395-402.

Reviews that the author focuses upon the duality of roles between Johnson as the master domestic tactician and the misguided

military tactician. Those factors which made him excel at the one made him fail in the other. Some of these role conflicts may be inherent in the presidential role but they were especially evident in a liberal democratic regime.

217. LOWI (TJ). One dimensional president: Lyndon Johnson's vantage point. Soc Sci Quart; 53, 2; Sept 1972; 409-16.

States that LBJ's book is an accurate description of the man and his administration. It exhibits both the merits and shortcomings of the institution of the presidency and also highlights the ridiculously high expectations which both masses and elites hold about the possibilities of political change emanating from the White House. The Johnson's years were full of nothing but the highest priorities. It was the admixture of highest priorities and expectations that was the great limitation of Johnson as president.

NIXON, RICHARD, PRES

218. ALBUM (Michael J). Government control of Richard, Nixon's presidential material. Yale Law Journal; 87, 8; Jly 1978; 1601-36.

States that this note attempts to define ex-President Nixon's first and fourth Amendment rights in his presidential

material. These constitutional claims will limits the governments' ability to screwn and retain the material seized under the Act. Part I of the note examines the past treatment of presidential material and the provisions of the Presidential Recordings and Materials Preservation Act. Part II proposes a scheme for categorizing presidential material and develops a framework for determining the constitutionally protected interests inherent in the various categories of material. Part III applies this frame work to an analysis of the regulations implementing the Act. The note concludes with an examinations of the provisions of proposed legislation dealing with government ownership and retention of presidential material.

219. BALFOUR (N). Presidential Nixon's second term. Wld Today; 29,3; March 1973; 98-107.

Mentions that Vietnam is out of the last but America faces pressing international, trading and monetary, as well as domestic, problems while decision making is increasingly concentrated in the white House, the confrontation with congress will make 1973 a difficult year for the president.

220. COLE (Richard L) and CAPUTO (David A). Presidential control of the senior civil service: Assessing the strategies of the Nixon years. Amer Polit Sci Rev; 72, 2; Je 1979; 377-413.

Discusses that modern presidents must be attentive to

influence of the federal bureaucracy on their policy initiatives and all attempt some measure of bureaucratic control. This article assess the extent of president Nixon's success in gaining some degree of management control over the bureaucracy through the manipulation of the civil service personnel system. The authors find that Republicans were, in fact more likely to be selected to top career positions during the Nixon year. This is significant to presidential control because of the large number of bureaucrats calling themselves independents.

PEACE

221. BUNDY (Mc G). Preisdency and the peace. For Aff; 42, 3; Apr 1964; 353-65.

Describes that the American presidency has become the world's best hope of preventing nuclear war and the presidents' most effective power is that of commander-in-chief. As important as strength is being known to have it. A president who seeks peace must have a clear view of the USSR; must be firm against pressure, but ready for settlements of differences. The cuban crisis - the most important event of the Kennedy Presidency - was the first direct test between USA and Russia in which nuclear weapons were the issue. The office of President as well as the men was embodied in the resolution restraint and responsibility of those weeks. The test ban treaty that followed, in

which the presidency was central, proved America's readiness to work for a safer prospect of survival. In this case, as in many other instances, Presidency can become an instrument of hope for men everywhere.

POLICY MAKING

222. GEWIRTZ (Paul). Courts, Congress and Executing policy making: Notes on three doctrines. Law and Contemporary Problems; 40, 3; Sum 1976; 46-85.

States that the US Congress has lost much of its policy making power to the executive. As a result of executive makes major policy which has not been affirmatively endorsed by congress. Against the background of frequent arguments that congress's role in policy making should be strengthened and protected to assure an appropriate allocation of power in our system, the author considers whether the courts should play some role in furthering that objective.

223. LELOUP (Lance T) and SHULL (Steven A). Congress is the Executive: the "two presidencies" reconsidered. Soc Sci Quart; 59, 4; Mr 1979; 407-19.

Reveals that authors re-examine wilderslings assertion that the foreign policy presidency is significantly more powerful than the domestic policy presidency. Updating the data on

presidential requests to congress and subdividing into various domestic policy areas, the results show foreign policy less distinctive than before 1965 and subject to some of the same variations. Reviewing the broader changes in the relationship between congress and the president, its concluded that the president remains stronger in foreign policy despite the blending that has occurred.

224. SCHILLING (WR). H Bomb Decision. How to Decide without Actually Choosng. Polit Sci Quart; 76, 1; Mar 1961; 24-46.

On January 31st, 1950 President Truman ordered the Atomic Energy Commission to continue its efforts to determine the technical feasibility of a thermo-nuclear weapon and the Department of State and Defence were asked to re-examine national strategic objectives and plans in the light of expected Soviet nuclear weapon capabilities. These article contrasts the presidents decision with the preceding policy discussions, attempts to explain the minimal character of that decision and indicates some of the policy consequences that followed from the nature of the way in which the decision was made. The decision is seen as a story of international politics affording a classic example of the traditional security dilemma.

225. SEUGMAN (Lester G). Presidency and political cleanage.

Ann Amer Acad Pol Soc Sci; 466; Mr 1983; 179-92.

Reveals that at a time when the US President is attempting a drastic change in economic policy, its appropriate to examine the development of his role in economic policy. President Roosevelt expanded the presidents' role as economic policy maker in the an unchallenged executive response to the crisis of the depression. The institutionalization of that vote was a process involving several stages that unfolded in succeeding administrations. The importance of CEA contributed to a train of economic policy staff agencies that grew as the presidents economic policy role expanded with the emergence of such problems as economic growth, poverty, inflation, stagflation etc.

226. SULLIVAN (RR). Role of presidency in shaping lower level policy making processes. Polity; 3, 2; 1970; 201-21.

Reveals that the paper's focus is on a temporary political office holder. The president of the United State. The central conclusion is that four past President have and future Presidents may influence low level policy making in three related ways. First is periodic direct Presidential intervention. Second, is intervention through a special assistant and third^{ly} continuous direct intervention is assayed and judged most efficient

politically because it involves more of the Presidents' time and does not risk his reputation.

227. THOMAS (NC). Presidential advice and information: Policy and program formulation. Law and Contemporary Problems; 35, 3; 1970; 540-72.

Discusses that the President can provide leadership and direction in those policy areas that he regards as important, but only if he has secured the needed advice and information. Presidential advice and information should be as wide ranging as possible and that it should encompass diverse social, economic and political perspectives.

228. VAN DER SLIR (Jack R). President in a paradigm of policy making. Presi Stud Quart; 9, 1; Wint 1979; 65-71.

Describes that President carter has actively engaged in both policy formulation and policy promotions. But in doing so he has had considerable difficulty with key members of the congress. These difficulties especially with majority party members, perhaps reveal more about the extent to which the chambers have institutionalized decentralization and specialization then they do about personal shortcomings in carter and the congressional leaders.

PRESS

229. BONE (HA). Presidential press conference. Parl Aff; 11, 2; Spr 1958; 142-54.

Reveals that Theodore Roosevelt originated this unique institution. Wilson regularized the press conferences and Roosevelt elevated them to a major device of leadership and communication. Eisenhower permitted a full recording of a conference to be broad cast, which virtually negates the rule that the president cannot be quoted directly without his permission. The regular meetings between the reporters and the chief executive have become a part of the American system of government and a means by which a president speaks to the world. The news conference has given the president an additional tool of leadership, and a channel through which he influences public opinion.

2230. CORNWELL (EE). President and the press: Phases in the relationship. Ann Amer Acad Pol Soc Sci; 427; Sept 1976; 53-64.

Describes that the article approaches the relationship of the US president to the press first by discussing the key importance of the president's ability to develop public support for his policies. This is his primary reliance since he has few constitutional powers for influencing policy and his role as party leader is not much help. Because the presidents

relationship with the public is so important, his dependence on the press to maintain that link is very great. A presidents' relations with the press, though based on inter-dependence, rarely involve cordial cooperation. How wisely he uses this key asset in efforts to influence policy and how skilfully he deals with the media will determine much of his presidency's success.

231. CORNWELL (EE Jr). Presidential Press Conference: A Study in institutionalization. Mid West J Polit Sc; 4, 4; Nov 1960; 370-89.

The presidential press conference has rapidly developed in the last two decades from a highly informal semi-private encounter between the chief executive and reporters into a formalized public institution. The "mediating" role performed by the reporters between president and public has diminished. Now the president speaks directly to the public from this forum. Institutionalization has not substantially reduced the usefulness of the conference as measured by front page news in the New York Times thus generated. It may have reduced its usefulness in terms of some of the more subtle benefits to be reaped by the president from intimated contact with reporters. The institutionalized press conference may well be less dependent upon accidental factors of personality than in past.

232. RESTON (JB). Press, the President and foreign policy.

For Aff; 44, 4; Jly 1966; 553-73.

States that the clash of theory and reality of news making and reporting, shows most in the application of American Constitutional theory to the conduct of American foreign policy. The clash is that between the people's right to be informed and the governments' obligation to govern effectively. Where lies the greater danger to the public interest in the present power of the press or of the president? The presidents' power has increased enormously since World War II; the press may report news, the President makes it; he has the initiative over press and congress.

PUBLIC OPINION

233. SIGEL (RS). Image of the American presidency - Part II of an exploration into popular views of presidential power.

Midwest J Polit Sci; 10, 1; Feb 1966; 123-37.

Reviews that how do ambivalent attitudes towards power affect the American's voters' image of the Presidency and Presidential leadership? A public opinion survey conducted in Michigan confirmed the hypothesis that the public admires a strong man, with problem solving abilities, a man who would prevail over congress, if necessary. While a majority of

respondents would like to see the President exercise considerable power - they also felt that presidential power should be curbed by a time limit lest it lead to excesses. The 22nd Amendment is illustrative^{of} this sentiment.

RESEARCH

234. HAYES (Stephen L). Presidential support among Senatorial leaders and followers. Amer Pol Quart; 12, 2; Aug 1984; 195-207.

States that the research examines the differences between US Senate party leaders and rank and file party members on a measure of support for the President of their party. The expectation is that party leaders give presidents' of their party greater support than do non-leaders.

SENATE

235. NIGRO (FA). Buren Confirmation before the Senate. West Polit Quart; 14, 1; Mar 1961; 148-59.

Discusses that partisan motives are involved in any senate action on a presidential appointment. The presidents' followers support him, largely out of party loyalty. Where there is an opening for successful attack, the opposition senators fight the chief executive's appointments, again

largely for partisan reasons. However, in some cases, the fundamental issue is one which cuts across party lines; such cases cannot be dismissed as partisan reasons. However, in some cases, the fundamental issue is one which cut across the party lines; such cases cannot be dismissed as partisan joints between Republicans and Democrats, and vice versa. At the same time, it would be inaccurate to give the impression that partisan factors are involved only to a very minor extent in controversies over high presidential appointments. The cases of Martin van Buren illustrates very well how the senate's action can be based exclusively on such considerations. Fortunately, the Van Buren case also shows how such a gross misuse of the senate's power to confirm can boomerang.

SEPARATION OF POWERS

236. NEUSTADT (RE). Staffing the presidency - The role of White House agencies. Ind J Pub Adm; 8, 3; Jly 1962; 270-81.

Reviews that the American system of government is presidential with separated branches sharing powers but one of the powers shared by the president and the congress is authority over administrative departments. Given the native separatism of departments, lacking collective responsibility for cabinet officers without cohesion amongst civil servants,

the USA has build up its central organs of coordination and control around the one Executive official who has comprehensive duties and authority - the President. This approach rests on a realistic notion of the nature of a government where separated institutions share each others powers. It recognizes the final dependence upon presidential judgement.

STAFF

237. IRISH (MD). Organization man in the presidency. J Polit; 20, 2; My 1958; 259-77.

Discusses that the professional public relations experts have been mainly responsible for changing the character of the American President from a vigorous political leader to a popular figure above politics.. They have been appointed in large numbers to White House posts, and occupy some of the highest positions of economic and political power. Whilst the publicity specialists have been building up the personality of the President, the adminstrative managers have been more concerned with improving the machinery of the executive office. Appointments by the President to his personal staff are not subject to senatorial confirmation although his advisors, especially his personal assistant, are in practice, left free to exercise considerable powers. The abdication of the president from the role of political leader leaves America with no responsive or responsible head of government.

SUPREME COURT, NOMINATION

238. MASSARO (John). "Lame-duck" Presidents, great justice.

Presi Stud Quart; 8, 3; Sum 1978; 296-302.

"Lame-duck" Presidents tend to appoint to the US Supreme Court justice of higher quality when those named by non-lame-duck presidents. The lame duck status of a president produces a "threat situation" in which the chances of senate rejection of his supreme court nominations increases. In order to offset this political disadvantage and to gain senate approval of their nominees, Lame-Luck President tends to seek out supreme court nominees who possess an unusual degree of legal ability and a marked potential for greatness. It is simply a wise political move to turn to quality in a threat situation. Because "Lame-duck" presidents are typically concerned with their nominees 'legal competence and ability', it is not surprising that more of their appointees go on the greatness on the supreme court than do the designees of non-Lame-duck presidents.

239. TANENHAUS (J). Supreme Court and Presidential power.

A Amer Acad Polit Soc Sci; 307; Sept 1956; 106-13.

Reveals that on April 8, 1952, President Truman, in order to forestall a strike which he felt would imperil national defence and UN's action in Korea, directed his secretary of

Commerce "to take possession of and operate" most of the nations steel mills. In the absence of statutory authorization for his seizure order, the chief executive relied on his powers under Article II of the constitution. This move touched off a hotly contested constitutional debate as to whether the president was restricted to those powers specifically granted to him by the constitution and laws. The president normally possess only those powers specifically granted to him to the constitution and laws. He can exercise prerogative in time of grave emergency, however, if congress acquiesces.

SURVEY

240. HESS (RD) and EASTON (D). Child's changing image of the president. Publ Opin Quart; 24, 4; Wint 1960; 632-44.

The process of socialization in areas of life of the young child which are regarded as age-inappropriate has been left relatively unexplored. This study is concerned with the developmental aspects of political socialization of the elementary school age child towards one aspect of the American political structure the image of the president of the United States. It was conducted in a middle-class suburb of Chicago, by means of a questionnaire centrèd around the president's personal and moral qualities, his role competence, and on information about him. The responses to the questionnaire show a highly positive image of the president, and indicate the importance of pre-high-

school period as a time during which the process of political socialization proceeds. The nature of developmental change in the level of response shows that the second major step in the process of socialization with regard to political figure is role specification.

TREATIES

241. HENKIN (Louis). Litigating the presidents' power to terminate treaties. Amer J Int Law; 73, 4; Oct 1979; 647-54.

Discusses that in recent years individual members of the US Congress have gone to court to challenge presidential actions as beyond his constitutional power. These cases have raised issues as to whether these plaintiffs have the kinds of interests that give them standing in court and whether the substantive issues, they raise are justifiable or political questions. Powers to terminate a treaty would seem to be implied in the character of the presidents' office as it has developed. Congress might press for a role where termination of a treaty would implicit congress's power over war and peace. And perhaps the senate, as a condition of its consent to a particular treaty, can sometimes reserve a voice in its termination for itself or for congress.

VETO

242. BEST (Judith A). Item veto: Would the Founders approve?

Presi Stud Quart; 14, 2; Spr 1984; 183-88.

Mentions that although there is no evidence that the Founders considered an item veto for the US President, analysis of the founders intentions indicates that they would approve of some form of item veto. The veto is an integral part of the separation of powers. Its defined purposes are to preserve the independence of the executive and to prevent the passage of bad laws. To accomplish these purposes, the founders chose a qualified veto thus institutionalizing reconsideration as part of the ordinary law making process. Because current legislative practice subverts the reconsideration process, its fair to conclude that the founders would approve of a reform that restores the veto to its original and indispensable function.

243. DUMBRELL (John W) and LESS (John D). Presidential pocket veto power: constitutional anachronism. Polit Stud; 28, 1; Mr 1980; 109-16.

Discusses that the possibility of using the power of pocket veto was particularly attractive to the Nixon Administration, concerned to halt domestic spending programmes voted by congress, since the pocket veto is an absolute veto not subject to possible override. The administrations interpretation

of the pocket veto power, was highly controversial in that it was claimed that it would apply to intera-session congressional recesses. The protest and litigation surrounding the pocket veto of the family practice of Medicine bill, highlighted the anachronistic nature of the pocket veto provision.

244. FISHER (Louis). Political context for legislative vetoes.
Polit Sci Quart; 93, 2; Sum 1978; 241-54.

Mentions that several hundred statutory provisions currently require the American President and executive agencies to report administration proposals to congress with the understanding that the congress may disapprove the intended action. In most cases, the president must obtain congressional approval within a specified number of days. Depending on the statute, congressional action can take the forms of one or both Houses, but whatever the procedure, these legislative actions are not presented to the president for his signature or veto. This article analyses legislative vetoes that can be accommodated and in adjudicatory issues.

245. LEE (JR). Presidential vetoes from Washington to Nixon.
J Polit; 37, 2; My 1975; 522-96.

Mentions that the study employs multiple regression to analyse historical patterns of presidential vetoes and congressional overriding. One basic finding is that both the frequency

of vetoes and success of congressional effort to override are largely responsible to congressional experience of a president and objective changes in the political situation. Over 40 percent of variance in the presidential vetoes is accountable for previous congressional membership of the president, party, control of the congress and degree of electoral support whereas variance in overriding actions is significantly accounted for by party control, midterm election, economic stability etc.

246. RINGELSTEIN (Albert C). Presidential vetoes: Motivation and Classification. Congress and the presidency; 12, 1; Spr 1985; 43-55.

Reveals that for all its importance, comparatively few, empirically based studies have centered on the US presidential veto and virtually none have sought to classify vetoes by presidential motivation or policy area. This article updates and confirms the major findings of extent studies and suggests one important to the conclusions of older research, the categories of and reasons for presidential vetoes are remarkably similar from president to president, independent of party.

247. VOSE (CE). Memorandum pocket veto. J Polit; 26, 2; May 1964; 397-405.

Discusses that pocket veto, or silent refusal by a

president to sign a bill into law, was replaced in 1934 by the practice of appending presidential memoranda to unsigned bills explaining the reasons for withholding endorsement. However, study of historical practice reveals that between the first vetoes by Madison in 1812 and the Grant Administration, in nearly every instance, presidents issued explanations of their disapproval of the bill. Since 1939, veto practices have been affected by the assignment to the office of legislative Reference the responsibility for analysing and coordinating departmental advice on proposed legislation. Comparison of recommendations with resulting action shows that the president usually follows the advice of the office. The pocket veto does remain a potentially absolute weapon of the executive; however, its utility has been diminished by the tendency of congress to remain in session almost all year, thus reducing the risk of end of session vetoes.

WAR

248. ALLISON (Graham T). Making War: the President and Congress. Law and Contemporary Problems; 40, 3; Sum 1976; 86-105.

Reveals how does the allocation of war making authority between the US President and congress affect the outcome of such decisions? The constitutional system of checks abd balances implies an ongoing process of checking and balancing that is

the legal allocation of war powers must be seen in its full political context. That context was profoundly altered by the trauma of Vietnam which fostered a new effort to redress the balance between the President and the congress. That effort produced the war powers Resolution in 1973. Had it been in effect during the Vietnam conflict, the resolution would not have altered the decision to go the war, but it would likely have led to a more rapid escalation of the war, while further polarizing domestic opinion. Its effects on future decision making are more speculative but it'll probably have its intended effect, strengthen-ing executive congressional consultation before the nations troops are committed to battle.

WAR POWERS RESOLUTION

249. BULMER (C) and CARMICHAEL (JL). War powers resolution a limitation on presidential power? GPSA; 3, 2; 1975; 53-68.

Reveals that the war powers resolution passed by the US congress in November 73 over riding the president veto is a major development as congress seeks to restrain the presidents war making powers. However, the resolution poses several questions: will it conflict with US treaty obligation? Will it unconstitutionally limit the presidents prerogatives in foreign affairs? Finally, is the provision for the use of a concurrent resolution to require the president to withdraw troops before

the specified 60 days time limit for commitment to troops constitutional? The resolution is challenged may not withstand scrutiny by the US Supreme Court nevertheless it should be a warning to Presidents to consult with congress and the president will be reluctant to act unless congress clearly supports him.

250. THOMSON (HC). War powers resolution of 1973: Can congress make it stick? Wld Aff; 139, 1; Sum 1976; 3-9.

Mentions that in 1973 the US Congress possessed a resolution over President Nixon's veto to limit the Presidents' power to maintain troops in combat areas overseas. The president must withdraw the troops within 60 days if congress does not declare war - or sooner if congress so directs by passing a concurrent resolution. Strong arguments have been made both for and against the constitutionality of the resolution. Proponents of the resolution have hailed it as a reassertion of congressional control over the presidents power to wage war. Opponents have contended that it actually gives the president a blank check to wage war for 60 days without approval by congress. If congress can make the resolution stick the balance of power between the two branches will be significantly altered.

*

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